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A COLLECTION

S.A.K.

OF THE

POLITICAL WRITINGS

OF

WILLIAM LEGGETT,

SELECTED AND ARRANGED,

WITH A PREFACE,

BY

THEODORE SEDGWICK, JR.

IN TWO VOLUMES.

VOL. II.

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A

A COLLECTION
OF THE
POLITICAL WRITINGS
OF
WILLIAM LEGGETT.

CHIEF JUSTICE MARSHALL.

[*From the Evening Post, July 28, 1835.*]

WE perceive with pleasure that public and spontaneous demonstrations of respect for the character and talents of the late Judge Marshall have taken place in every part of the country where the tidings of his death have been received. These tributes to the memory of departed excellence have a most salutary effect on the living ; and few men have existed in our republic who so entirely deserved to be thus distinguished as examples, by a universal expression of sorrow at their death, as he whose loss the nation now laments. Possessed of a vast hereditary fortune, he had none of the foolish ostentation or arrogance which are the usual companions of wealth. Occupying an office too potent—lifted too high above the influence of popular will—there was no man who in his private intercourse and habits, exhibited a more

general and equal regard for the people. He was accessible to men of all degrees, and "familiar, but by no means vulgar" in his bearing, he was distinguished as much in the retired walks of life by his unaffected simplicity and kindness, as in public by the exercise of his great talents and acquirements.

The death of such a man, of great wisdom and worth, whose whole life has been passed in the public service, and whose history is interwoven with that of our country in some of its brightest and most interesting passages, furnishes a proper occasion for the expression of general respect and regret. In these sentiments we most fully join; but at the same time we cannot so far lose sight of those great principles of government which we consider essential to the permanent prosperity of man, as to neglect the occasion offered by the death of Judge Marshall to express our satisfaction that the enormous powers of the Supreme tribunal of the country will no longer be exercised by one whose cardinal maxim in politics inculcated distrust of popular intelligence and virtue, and whose constant object, in the decision of all constitutional questions, was to strengthen government at the expense of the people's rights.

The hackneyed phrase, *de mortuis nil nisi bonum*, must be of comprehensive meaning indeed, if it is intended that the grave shall effectually shelter the theoretic opinions and official conduct of men from animadversion, as well as the foibles and offences of their private lives. In this sense at least we do not understand the precept, and if such were its obvious purport we should refuse to make it our law. Paramount considerations seemed to us to demand that, in recording the death of Judge Marshall, and joining our voice to that of general eulogy on his clear and venerable name, we should at the same time record our rooted hostility to the political principles he

maintained, and for the advancement of which he was able to do so much in his great office.

Few things have ever given us more disgust than the fawning, hypocritical and unqualified lamentations, which are poured out by the public press on the demise of any conspicuous political opponent. Of the man whom the day before it denounced in terms of the most unmeasured bitterness, let him but shuffle off his mortal coil, and the next day it is loud in indiscriminating, unlimited praise. We would not have journalists wage their political dissensions over the grave, and pour the ebullitions of party hostility on the dull cold ear of death. Neither would we have them stand aloof in dogged silence, refusing to join in the tribute to the memory of a great man who had made his exit from this theatre of perpetual strife, because, while he lived, they were found in the ranks of his opponents. But if there is any sincerity in the political doctrines they profess; if they are not mere jugglers in a game of cheatery and fraud; if they are really contending, with their whole heart and soul, in behalf of certain great principles, the success of which they consider of vital importance to the best interests of man: then not even the death of an opponent—and more especially of one whose mind was so vigorous and enlightened, whose heart was so benignant, and whose whole life had been so pure and exemplary as that of Judge Marshall—not even the death of such an opponent, we say, should restrain them from accompanying their tribute of respect with an expression of dissent from his political opinions.

There is no journalist who entertained a truer respect for the virtues of Judge Marshall than ourselves; there is none who believed more fully in the ardour of his patriotism, or the sincerity of his political faith. But according to our firm opinion, the articles of his creed,

if carried into 'practise, would prove destructive of the great principle of human liberty, and compel the many to yield obedience to the few. The principles of government entertained by Marshall were the same as those professed by Hamilton, and not widely different from those of the elder Adams. That both these illustrious men, as well as Marshall, were sincere lovers of their country, and sought to effect, through the means of government, the greatest practicable amount of human happiness and prosperity, we do not entertain, we never have entertained a doubt. Nor do we doubt that among those who uphold the divine right of kings, and wish to see a titled aristocracy and hierarchy established, there are also very many solely animated by a desire to have a government established adequate to self-preservation and the protection of the people. Yet if one holding a political creed of this kind, and who, in the exercise of high official functions, had done all in his power to change the character of the government from popular to monarchical, should be suddenly cut off by death, would it be unjustifiable in those who deprecated his opinions to allude to them and their tendency, while paying a just tribute to his intellectual and moral worth?

Should General Jackson descend into the grave tomorrow, with what propriety could they who denounce him as a tyrant and usurper join their voices to swell the loud note of unmingled eulogium? They might with perfect propriety speak of his honesty of purpose, his bravery and firmness; but they could extend their praise to other topics only by giving the lie to their previous accusations. If they have been honest in representing him as violating the Constitution and trampling on the laws; if they really believe that he has siezed the sword and purse, and has done all in his power to change the Government into an autocracy; the paramount duties of patriot-

ism, rising superior to the mere suggestions of sympathy, would seize the death of such a man as an occasion of adverting to the true character of his principles of action, and of rousing the people from the delusion into which they had fallen.

Of Judge Marshall's spotless purity of life, of his many estimable qualities of heart, and of the powers of his mind, we record our hearty tribute of admiration. But sincerely believing that the principles of democracy are identical with the principles of human liberty, we cannot but experience joy that the chief place in the supreme tribunal of the Union will no longer be filled by a man whose political doctrines led him always to pronounce such decision of Constitutional questions as was calculated to strengthen government at the expense of the people. We lament the death of a good and exemplary man, but we cannot grieve that the cause of aristocracy has lost one of its chief supports.

THE ABOLITIONISTS.

[*From the Evening Post of August 8, 1835.*]

IN looking over the English papers received this morning, we were struck with the following remarks in the London Courier of the 7th ultimo :

“ Our readers will undoubtedly recollect that within these few years societies have existed in London and lectures have been given for the purpose of attacking Christianity. A gentleman known by the name of Robert Taylor, who, we must charitably suppose, was out of his senses, took to himself the name, we believe, of the Devil's Chaplain, and in that character was accustomed to address his audience. Some of his followers or friends, or persons who embraced opinions similar to his, under-

took to lecture in the provinces on the same subject, and the Clergy of the English Church were, in several places, and on several occasions, both by him and them, challenged to meet and justify or defend the doctrines they taught. Among all reasonable people there was but one opinion as to the indecency of the proceedings of Messrs. Taylor and Co., and there was, we believe, but one opinion as to the propriety of the conduct of the Clergy, who took no notice of the challengers and their assertions. The proper contempt thus exhibited by the Clergy and the good sense of society, have completely put an end to these proceedings. The public now never hear of Mr. Robert Taylor and his friends, and seem not to care what has become of them."

In the above paragraph we have the course pointed out which ought to have been pursued in this country in relation to the fanatical doctrines and proceedings of the immediate abolitionists. It is our firm persuasion, as we have often had occasion to state, that the rapid growth and greatly augmented ardour of the association known by that name are in a very large degree ascribable to the unwise and unjust measures taken to suppress it. If they had been suffered to pour out their zeal unopposed; if their wild doctrines had not been noticed, or, if noticed at all, only with calm and temperate arguments, we feel satisfied that at this day that sect of political fanatics would have embraced much fewer persons than it now numbers, and would have exhibited far less zeal than now characterises its efforts. All history, all experience supports the opinion we express.

We defy any man to point to a single instance in which fanaticism has been turned from its object by persecution, or in which its ardour has not been inflamed and its strength increased when opposed by arguments of brute force. On the contrary, history contains many

striking cases of fanatical enterprises languishing and being abandoned, when those engaged in them were suffered to take their own course, without any other hinderance than such as was necessary to prevent their over-leaping the safeguards of society.

Fanaticism is a species of insanity and requires analogous treatment. In regard to both, the soothing system is proved by its results to be the most effectual. The mind slightly touched with lunacy, may soon be exasperated into frenzy by opposition, or soon restored to perfect sanity by gentle and assuasive means. So, too, the mind, excited to fanaticism on any particular subject, religious, political, or philanthropic, is but heated to more dangerous fervour by violence, when it might easily be reduced to the temperature of health by the lenitives which reason and moderation should apply.

The first great impulse which the abolition cause received in this city was, we are persuaded, the attempt to suppress it by the means of mobs ; and the greatest promoters of the abolition doctrines have been, in our judgment, not Thompson nor Garrison, but the *Courier and Enquirer*, the *Journal of Commerce* and the *Commercial Advertiser*. We do not speak this in a spirit of crimination ; for our desire is to assuage and conciliate, not to inflame and exasperate. We express the opinion more with a view to its influence on future conduct, than to reprehend that which is past ; and we do hope that, in view of the pernicious consequences which have flowed from violent measures hitherto, a course more consistent with the meekness of Christianity, and with the sacred rights of free discussion, will be pursued henceforth.

While we believe most fully that the abolitionists are justly chargeable with fanaticism, we consider it worse than folly to misrepresent their character in other respects. They are not knaves nor fools, but men of wealth,

education, respectability and intelligence, misguided on a single subject, but actuated by a sincere desire to promote the welfare of their kind. This, it will hardly be denied, is a true description, of at least a large proportion of those termed abolitionists. Is it not apparent on the face of the matter, that invective, denunciations, burnings in effigy, mob violence, and the like proceedings, do not constitute the proper mode of changing the opinions or conduct of such men? The true way is, either to point out their error by temperate arguments, or better still leave them to discover it themselves. The fire, unsupplied with fuel, soon flickers and goes out, which stirred and fed, will rise to a fearful conflagration, and destroy whatever falls within the reach of its fury.

With regard to the outrage lately committed in Charleston, we do not believe it constitutes any exception to our remarks. The effects of all such proceedings must be to increase the zeal of fanaticism, which always rises in proportion to the violence of the opposition it encounters. Some of the Charleston papers, we perceived, spoke of the attack on the Post Office as *premature*, and thought it ought not to have been made until the result was received of an application which had been forwarded to the General Post Office for relief. Neither the General Post Office, nor the General Government itself, possesses any power to prohibit the transportation by mail of abolition tracts. On the contrary it is the bounden duty of the Government to protect the abolitionists in their constitutional right of free discussion; and opposed, sincerely and zealously as we are, to their doctrines and practise, we should be still more opposed to any infringement of their political or civil rights. If the Government once begins to discriminate as to what is orthodox and what heterodox in opinion, what is safe and what is

unsafe in its tendency, farewell, a long farewell to our freedom.

The true course to be pursued, in order to protect the South as far as practicable, and yet not violate the great principle of equal freedom, is to revise the post-office laws, and establish the rates of postage on a more just gradation—on some system more equal in its operation and more consonant with the doctrines of economic science. The pretext under which a large part of the matters sent by mail are now sent free of postage—either positively or comparatively—is wholly unsound. “To encourage the diffusion of knowledge” is a very good object in itself; but Government has no right to extend this encouragement to one at the expense of another. Newspapers, pamphlets, commercial and religious tracts, and all sorts of printed documents, as well as letters, ought to pay postage, and all ought to pay it according to the graduation of some just and equal rule. If such a system were once established, making the postage in all cases payable in advance, with duplicate postage on those letters and papers which should be returned, not only the flood of abolition pamphlets would be stayed, but the circulation of a vast deal of harmful trash at the public expense would be prevented, creating a vacuum which would naturally be filled with matters of a better stamp.

MR. KENDALL'S LETTER.

[*From the Evening Post, August 12, 1835.*]

THE following letter has been addressed by the Post Master General to the Post Master at Richmond, enclosing a copy of his letter to the Post Master at Charleston, South Carolina.

“Post Office Department, }
5th August 1835. }

Sir : My views in relation to the subject of your letter of the 3d inst. may be learnt from the enclosed copy of a letter to the Post Master at Charleston, S. C., dated 4th inst.

Very respectfully,
Your obt. servant,
AMOS KENDALL.

Edm'd. Anderson,
Ass't. P. M. Richmond, Va.

—
Post Office Department, }
August.4th, 1835. }

P. M. Charleston, S. C.

Sir : In your letter of the 29th ult. just received, you inform me that by the steamboat mail from New-York your office had been filled with pamphlets and tracts upon slavery : that the public mind was highly excited upon the subject, that you doubted the safety of the mail itself out of your possession : that you had determined, as the wisest course, to detain these papers : and you now ask instructions from the Department.

Upon a careful examination of the law, I am satisfied that the Postmaster General has no legal authority to exclude newspapers from the mail, nor prohibit their carriage or delivery on account of their character or tendency, real or supposed. Probably it was not thought

safe to confer on the head of an executive department a power over the press, which might be perverted and abused.

“But I am not prepared to direct you to forward or deliver the papers of which you speak. The Post Office Department was created to serve the people of *each* and *all* of the *United States*, and not to be used as the instrument of their *destruction*. None of the papers detained have been forwarded to me, and I cannot judge for myself of their character and tendency; but you inform me that they are, in character, “the most inflammatory and incendiary—and insurrectionary in the highest degree.”

By no act, or direction of mine, official or private, could I be induced to aid, knowingly, in giving circulation to papers of this description, directly, or indirectly. We owe an obligation to the laws, but a higher one to the communities in which we live, and if the *former* be perverted to destroy the *latter*, it is patriotism to disregard them. Entertaining these views I cannot sanction, and will not condemn the step you have taken.

“Your justification must be looked for in the character of the papers detained, and the circumstances by which you are surrounded.”

In giving place to the above letter, we cannot refrain from accompanying it with an expression of our surprise and regret that Mr. Kendall, in an official communication, should have expressed such sentiments as this extraordinary letter contains. If, according to his ideas of the duties of patriotism, every postmaster, may constitute himself a judge of the laws, and suspend their operation whenever, in his supreme discretion, it shall seem proper, we trust Mr. Kendall may be permitted to retire from a post where such opinions have extensive influence, and enjoy his notions of patriotism in a private station. A pretty thing it is to be sure, when the head officer of the

Post Office establishment of the United States, and a member, *ex officio*, of the Administration of the General Government, while he confesses in one breath that he has no legal power to prevent the carriage or delivery of any newspaper, whatever be the nature of its contents, declares in the very next, that by no act of his will he aid, directly or indirectly, in circulating publications of an incendiary and inflammatory character. Who gives him a right to judge of what is incendiary and inflammatory? Was there any reservation of that sort in his oath of office?

Mr. Kendall has not met the question presented by recent occurrences at the South, as boldly and manfully as we should have supposed he would. He has quailed in the discharge of his duty. He has truckled to the domineering pretensions of the slave-holders. In the trepidation occasioned by his embarrassing position, he has lost sight of the noble maxim, *fiat justitia ruat cælum*. The course which, by neither sanctioning nor condemning the unlawful conduct of the postmaster at Charleston, he has virtually authorized him and the other postmasters at the South to pursue, is neither more nor less than practical nullification. It is worse than that: it is establishing a *censorship of the press*, in its worst possible form, by allowing every two-penny postmaster through the country to be judge of what species of intelligence it is proper to circulate, and what to withhold from the people. A less evil than this drew forth, in former days, the *Arcopagitica* from the master mind of Milton; but we little dreamed that new arguments in favour of the freedom of speech and of the press would ever become necessary in our country.

We are sorry to say that this letter of Mr. Kendall has materially diminished the very high respect we have

heretofore entertained for him. It shows a deficiency of courage and independence which we did not expect to see him betray.

THE POSTMASTER GENERAL.

[*From the Evening Post, August 14, 1835.*]

WE publish the communication signed *Justice*, in relation to the late extraordinary letter of the Post Master General, because we are friends of free discussion, and not because we by any means agree with the sentiments of the writer. The remarks with which we accompanied Mr. Kendall's letters were written after more reflection on the nature and tendency of the views expressed in that document, that we are fain to believe Mr. Kendall himself bestowed on the subject on which he expressed such strange opinions; for the only extenuation we can find for that individual is that he wrote in haste, under the influence of trepidation or excited feeling. We will not suppose that to curry favour with the south was any part of his motive, for we have too high a respect for his character willingly to admit the idea that he would sacrifice justice for the sake of popularity.

The position assumed by our correspondent that the Postmaster General was obliged to choose between two evils is not tenable. He was not placed between the horns of a dilemma. His duty was single, simple, and positive, and ought to have been performed openly and promptly, without any paltering, shrinking, or evasion. He was not required to *assent* to an interruption either of the whole mail or a part. His refusal to permit a certain portion of the contents of the mail to be culled out and detained or destroyed, might very possibly, and for the sake of the argument we are willing to say very

certainly, lead to the forcible interruption of the whole ; but for this he would be in no degree accountable, provided all means which the law places at his disposal had been duly employed to prevent such a result. Suppose the postmaster at Charleston, or some other place, should inform the Post Master General that an organized band of robbers, of great numerical strength, had given notice of their intention, unless certain letters containing money were delivered up to them, to waylay the mail and destroy its whole contents : here would be " a strange alternative presented for Mr. Kendall's prompt selection," yet not stranger than the one which has occurred, and obviously not to be decided upon different principles. Would our correspondent justify him, in such a case, for choosing the lesser of two evils, and permitting the money-letters to be given up in order to save the rest of the mail ? The difference between us, on the point in dispute, is, that Mr. Kendall was not called upon to choose between evils, but was imperatively called upon to do his duty, and, as far as practicable, to see that those under him did theirs, leaving any violations of public law and order which might ensue to the investigation and punishment of the proper tribunals.

Our correspondent does not see, as we do, in the doctrines of Mr. Kendall's letter, a justification of a most intolerable species of censorship of the press. It is true, the authorizing of every village postmaster to decide what may, and what may not be circulated, by the public mail, through his district of country, does not prevent any body from printing his sentiments, on any subject, just as if there were not ten thousand such self-constituted supervisors of the press. But the publisher of a newspaper who finds himself denied the facilities of the mail is almost as much interdicted from the circulation of his opinions, as if he were denied the use of presses or types.

The mail is the great means of disseminating publications in the newspaper or pamphlet form, and every citizen has an equal right to its facilities. Not a mail is carried between any two given points on the whole map of our country which does not convey matters to the circulation of which, by themselves, we should be sorry to contribute. Yet the individual who should refuse to pay his proportion of the tax, even supposing it a specific one, which constituted the means of defraying the post-office expenses, on the ground of his hostility to the principles avowed in any portion of the publications carried by mail, would be guilty of nullification in its worst possible form.

Should Congress undertake to discriminate, by law, between the different kinds of publications which may be carried by mail, permitting some to be circulated through that medium on the ground of their being sober and orderly, and prohibiting others as violent and inflammatory—should Congress ever assert such powers and exercise such legislation, and the public submit, not merely will our liberties be destroyed, but the very principle of freedom be extinct within us.

Our post-office system, as we have before, on different occasions, admitted, is very bad, and ought to be amended. Indeed, we have expressed the opinion, as doubtless many of our readers recollect—an opinion which event after event but serves to confirm more and more strongly—that it would have been well for this country if the power to establish post-offices and post-routes had never been given to the Government, but left entirely, as a matter of trade, to be regulated by the laws of trade—left to the regulation of the same principles which furnish us with such admirable facilities for the transportation of our persons and packages from place to place, and would

have done no less for us in respect to our letters, circulars, and newspapers.

But as this is a theoretical question, it may be out of season to discuss it in the present connexion. Yet, in the reformation of the post-office department, it would be well to conform it as nearly as possible to free-trade principles. The tax of postage, like all other taxes, ought to fall equally on the community ; not as now, the seaboard be made to pay for the interior, and letter-writers for the carriage of newspapers, handbills and pamphlets.

With these hasty remarks, we submit the views of our correspondent to our readers. Though we ourselves feel constrained to take ground against the sentiments of Mr. Kendall's epistle, our correspondent may console himself with the assurance that our example is not likely to be extensively imitated. The opposition papers in this quarter are too anxious to conciliate the good will of the South, and turn the slave question into a weapon against their political adversaries, to find any fault with views which will be so highly relished as those of Mr. Kendall in the slave states. On our side, equally timid and disingenuous sentiments will prevail. The Times dare not speak out for itself on the present, or any other question requiring the least boldness of character ; and the Albany Argus which came to hand this morning is profuse in expressions of admiration of "the prompt, liberal *and just* reply of the Postmaster General," considering his view of the subject as "the only one that could be taken," and avowing the utmost confidence that such will be "the general opinion." Tray, Blanche and Sweetheart, and the whole pack, will yelp responsive to the bark of the leading hound, and a din will instantly be raised in eulogy of the Postmaster General more than sufficient to drown our feeble voice.

TWO-PENNY POSTMASTERS.

[*From the Evening Post, August 15, 1835.*]

WE give below the correspondence of one of the "two-penny postmasters" who think with Mr. Kendall, that they owe a higher obligation to the community in which they live than to the laws ; or, in other words, that it is of more consequence to play amiable to the south and truckle to its arrogant pretensions, than to obey their oath of office and perform the solemn duties of their station. We may expect to see many patriots now, in quarters which have not been suspected of abounding with patriotism ; since, according to the doctrines of the Postmaster General, all that is required to constitute one a Sydney or a Hampden is to nullify the laws.

We were aware that nullification never had any terrors for Mr. Gouverneur, and he has made this obvious enough now by the extraordinary eagerness he has manifested to play the nullifier and foist himself before the community in that character. We cannot, of course, suspect so pure a man of any intention in this matter of creating a southern interest in his favour, and of obtaining southern influence to strengthen the feeble tenure by which he is said to hold his office. He is quite disinterested in the course, no doubt ! He pursues it solely because it is pointed out by duty ; because it is incumbent on patriotism to disobey the laws. We must pause here, lest Mr. Gouverneur's patriotism should next object to our own journal, and cause him to take the responsibility of refusing to forward it by mail. Should he do so, however, we promise to bring his patriotism to the touchstone of the laws, and give him an opportunity of ascertaining whether a New-York jury approve this new species of nullification, which erects every hot-headed and intem-

perate postmaster into a Censor of the Press, and authorises him to decide what newspapers may be circulated and what not.

With these remarks we submit the correspondence referred to.

POST OFFICE CORRESPONDENCE.

Copy of a letter addressed to the President and Directors of the American Anti-Slavery Society, by S. L. Gouverneur.

“Gentlemen—I have received a letter from the Postmaster at Charleston, of which the enclosed is a copy. I have transmitted another to the Postmaster General.

“Entertaining full confidence that you will duly appreciate my sincere desire to reconcile a just discharge of my official duties with all the delicate considerations which are in the case presented to me, I have respectfully to propose to you that the transmission of the papers referred to be suspended, until the views of the Postmaster General shall have been received.

“With great respect, &c.

(Signed,) “SAM’L. L. GOUVERNEUR.”

“Sam’l. L. Gouverneur, Esq.

“Sir—Your communication addressed to ‘the President and Directors of the American Anti-Slavery Society,’ has been handed me by Mr. Bates, and shall be laid before the Executive Committee.

“I am, respectfully,

“Your obedient servant,

“ARTHUR TAPPAN,

“President A. A. S. Society.”

“New-York, Aug. 7, 1835.”

“Anti-Slavery Office,
New-York, 8th Aug. 1835. }

“Sam’l. L. Gouverneur, Esq. P. M. New-York.

“Dear Sir—Your favour of yesterday, covering a letter from the Postmaster of Charleston, in regard to the recent violation of the United States mail in that place, and proposing to us to suspend the transmission of our publications until the views of the Post Master General shall be received, has been laid before the Executive Committee of the American Anti-Slavery Society, and I am instructed, very respectfully, to transmit to you the following reply, viz :

“‘Resolved, That while we are desirous to relieve public officers from any unnecessary difficulties and responsibilities, we cannot consent to surrender any of the rights or privileges, which we possess in common with our fellow-citizens, in regard to the use of the United States mail.’

“With much respect, your obedient servant,

“E. WRIGHT, Jr.

“Sec. Dom. Cor. Am. A. S. Society.”

“To the President and Directors of the American Anti-Slavery Society.

“Gentlemen—I have the honour to acknowledge the receipt of your letter of yesterday, covering a copy of a resolution of certain persons described as ‘the Executive Committee of the American Anti-Slavery Society.’

“Early on the morning of the 7th inst., I addressed a communication to you, enclosing a copy of one which I received from the Postmaster at Charleston. Referring you to the peculiarly delicate considerations which were involved in the case he presented, I respectfully proposed to you to suspend the transmission of your papers

until the views of the Postmaster General, before whom the whole subject has been laid, could be received. This communication having been delivered to you by Mr. Bates, Assistant Postmaster, I received a verbal assurance that you would cheerfully comply with the proposition I had made. In full assurance that this proposition would not be changed, I gave the necessary instructions to separate the papers referred to, in making up the mail for that portion of the country, and retain them at this office. The resolution to which I have referred, gave me the first intimation of the change of your views; and was received at this office about the time of closing the mail. It was, therefore, too late in fact, to cause a different disposition to be made of these papers. They were accordingly retained here in pursuance of the original understanding with you, nor will they be transmitted by mail until the instructions of the Postmaster General shall have been received.

“Having thus placed you in possession of the facts, I beg leave to refer more distinctly to the resolution of your committee. My views have been much mistaken, if it is intended to imply that I required relief at your hands from ‘any difficulty or responsibility,’ whatever, as ‘a public officer.’ Had you declined, in the first instance, the proposition I had offered, my determination would have been promptly announced to you. Placed as I was, in a peculiarly delicate position; appealed to by an officer of the same department at a distance, to lend my aid in preserving the public peace—securing the safe transmission of the important contents of that valuable branch of the mail department—and arresting a course of excitement which could not fail to lead to the most disastrous results, I should not have hesitated to adopt that course which, in my judgment the highest obligations imposed, had it even demanded in some degree a temporary ‘sur-

render of the rights and privileges' you claim to possess. While manifesting so openly your benevolence to the colored people, I thought I had a right to claim some portion of your sympathies for the white population of that section of country—the peculiar situation of which Mr. Huger so fully described. I would respectfully ask, gentlemen, what injury could result from a momentary suspension of your efforts, compared with that which might have occurred, had they been pushed at all hazards?

"I entertain for you, and all your rights, every sentiment of respect which is due, and I deeply regret that a departure from the original understanding, which promised to prevent all excitement and collision, has compelled me to express myself so fully. I have reflected deeply on the subject. The laws which secure to you the rights you claim, also impose the penalties on those who infringe them. I shall assume the responsibility in the case you have made with me, and to the law and my superiors will hold myself accountable.

"With great respect, &c. &c.

"SAM'L. L. GOUVERNEUR."

"New-York, Aug. 9, 1835."

We trust no one will do this journal the gross injustice to construe the censure we have taken leave to express of the extraordinary and disorganising sentiments of the Postmaster General, or of the unlawful conduct of Mr. Gouverneur, as an approval, in the slightest degree, of the course pursued by the Abolition Association. We consider the fanatical obstinacy of that Association, in persevering to circulate their publications in the southern states, contrary to the unanimous sentiment of the white population, and at the obvious risk of stirring up insurrections, which, once commenced, no one can tell where

they will end, as reprehensible to a degree for which language has no terms of adequate censure. We have expressed ourselves fully and frequently on this subject; and if any remonstrances which we have the power to frame, or any appeals we could make to the reason or humanity of the abolitionists, could avail to restrain them from prosecuting their designs in the mode which has already led to so much excitement, and which threatens speedily to lead to consequences far more deplorable, our readers may be assured they should not be withheld.

But while we deprecate, as earnestly and sincerely as any person can, in the north or south, the conduct of the abolitionists, we deprecate not less all unlawful and tumultuary means of preventing or counteracting their efforts. We were taught long ago, by the sage precept of Jefferson, that "error may be safely tolerated, where reason is left free to combat it;" and the truth of this maxim has been illustrated by a thousand notorious instances, under our free and tolerant institutions. We believe its orthodoxy would have borne the test of this exciting abolition question, and that if the tenets and conduct of the Anti-Slavery Association had been met only in a temperate and reasoning spirit, all that is really dangerous in them, all that the south has any right to complain of, would long since have been given up. We believe that fanaticism might have been subdued by sound calm argument, while it has only been inflamed to greater desperation and extravagance by the violent assaults it has encountered. We believe it might have been vanquished by Ithuriel's spear, while Antæus-like, it has gained new strength from every blow of the herculean club—the mob weapon which seems to be fast superceding the assuasive exercise of truth and reason.

But whether we are right or wrong in these opinions, we hold fast, nevertheless, to the inviolability of the law,

and exert our voice with all possible earnestness against the strange principle and practice of the day, that a mere ministerial servant of the public has power to say when the law shall be executed and when set at nought. If the abolitionists cannot be restrained by reasoning and constitutional law, let them not be restrained by any other weapon. The liberty of speech and of the press are the main pillars in the great fabric of political liberty, and if they are shaken, the whole structure, reared at such cost, and guarded with such sleepless vigilance, will tumble to the dust. Can they be more directly assailed than by the recognition of a principle which puts it at the discretion of every rash and intriguing postmaster—to say what printed matter shall be circulated and what committed to the flames? We trust the laws concerning the Post Office may undergo early and very extensive reformation—a reformation which will throw pecuniary difficulties in the way of the gratuitous circulation of all sorts of political, philanthropical, and sectarian trash. But while they remain as they now are, it is as great an outrage against the equal rights of man, and as audacious an interference with the freedom of the press, to intercept and destroy the pamphlets of the abolitionists, as it would be those of the colonizationists, or any other association, or individual, of whatever sect, party, or name.

We do not like the tone in which our southern brethren speak of matters connected with abolition. There is a great deal too much of the Ercles' vein in it. They are quite too much disposed to threaten; and should the north retaliate in the same braggart style, ill blood might be stirred between us. There is one thing, we, for a single journal, with all due amenity of disposition, but inflexible firmness of temper, shall take leave to assure

our fellow-citizens south of Mason and Dixon's line ; namely, that we shall not permit our right to discuss the question of slavery, or any other question under heaven, to be denied. Point us the section or clause in the articles of confederation, or the obligation in any form or any place, which prohibits us from expressing our free opinions on that subject or any subject, and you may prevail upon us to be silent ; but by threats of disunion you never can. This *ultima ratio* of dissolving the federal compact has got to be as familiar in the mouths of the southerners as household words. It is held up as a bugbear at every turn. Dissolve the Union, in welcome, if the only tie to hold it together must be wrought out of the sacred right of free discussion—if we must mix the cement with the very heart's blood of freedom. Dissolve the Union ! and pray what would the south gain by that ? Would that put an end to discussion ? Would that prevent men from speaking their thoughts on the subject of slavery ? Would that put afar off the evil day which the south is but hastening, with fearful rapidity, by the very method—the ill-judged, fatal method—which it takes to retard it ?

We are as much opposed as the Richmond Enquirer, whose menacing language has somewhat moved us from our propriety, to such a discussion of the slave question as can at all interfere with the real prosperity of the south. We are wholly, strongly, inveterately opposed to the discussion of it in the mode adopted by the abolitionists, and deplore that fanatical course of conduct which instead of bettering the condition of the slaves, necessarily subjects them to stricter vigilance and more severity of discipline, which fills the bosoms of the white population with anxiety and alarm, which excites in their minds the most unfriendly feelings towards their brethren of the north, and the fruit of which eventually must be

insurrection, murder, and the shedding of blood like water. We need not repeat that we are opposed wholly, warmly, to this course of discussion. Nay we have yielded, and might continue to yield we know not how much longer, to the nervous fears of the south, and totally pretermit the discussion of the "slave question in every form and manner, if this were asked of us as a matter of concession, and not demanded, with accompanying threats, as a right. But it is one thing to remain silent through compassion and brotherly concern, and another to be rudely and authoritatively hushed by a vaunting command.

But however displeasing the tone of the south is to us, its vapouring is a matter utterly insignificant compared with the theoretical violation by Mr. Kendall, and the practical violation by Mr. Gouverneur, of the equal rights of all citizens to disseminate their opinions through the mail. This outrage upon the principles of freedom, under the pretence of *patriotism* (fine patriotism, with a vengeance!) is one of a most startling character. The act of the New-York postmaster would give us little concern were it not authorised by the avowed principles of his superior. As it is, where is this course of proceeding to stop? Whose rights are safe? We are all at the mercy of an army of postmasters, and must satisfy the discretion, of their high mightinesses that we mean no treason, before our opinions can have passage free. They stop the abolition journals to-day: who will insure us that they will not stop ours to-morrow? Newspapers are the present object of imperial interdiction: who shall answer that the sanctity of letters will not next be violated, their contents inspected, and their secrets betrayed?

If the strange and startling doctrines we have heard promulgated within the past week are to prevail, we shall

wish that Mr. Barry, with all his remissness, pliancy, and inattention, were again at the head of the Post-office, in the place of a man who considers it patriotism to disobey the laws.

THE EVENING POST AND MR. VAN BUREN.

[*From the Evening Post of August 20, 1835.*]

THE Richmond Whig takes some notice of the remarks made by this journal on the letter of the Postmaster General, and adds: "Now we are anxious to know if in this matter, the Post, which we understand to be the city organ of Mr. Van Buren, *expresses his sentiments?*" We shall take the pains to answer the Richmond Whig fully and candidly, and trust to the sense of honour and justice of that print to give a conspicuous insertion to our reply.

The Evening Post is not the organ of Mr. Van Buren, or of any other man or set of men whatever, save and except its editors, who are also its proprietors, and who conduct their journal with exclusive reference to their own sense of right and expediency.

They are in no private communication with Mr. Van Buren, directly or indirectly; they know his sentiments only through public channels; and their attachment to him is altogether political, and founded on their sincere estimate of Mr. Van Buren's public services and private virtues—their knowledge of his private virtues being an unavoidable inference from the fact, that the virulence of an opposition which does not hesitate to invade the domestic sanctuary, and even violate the grave, has found nothing in his private character to reprehend.

Mr. Van Buren has no more to do with the contents

of the Evening Post than has the editor of the Richmond Whig ; and he can answer for himself how much that is.

Nay more, an article from Mr. Van Buren's pen, if offered for insertion to-morrow, would be judged of on precisely the same rules that govern in relation to all communications, and would be accepted or rejected with single reference to its sentiments and style, just as would be done in reference to an anonymous contribution.

What Mr. Van Buren's sentiments are in regard to Mr. Kendall's letter we do not know ; but we have confidence from what we do know of Mr. Van Buren's sentiments, that he cannot approve the disorganizing doctrines of that letter.

What Mr. Van Buren's sentiments are on the subject of state rights in regard to negro slavery the Richmond Whig may easily ascertain from public and authentic sources ; and what they are in regard to the expediency of abolishing slavery in the District of Columbia, is equally ascertainable from sources as public and well authenticated.

Finally, there is ample ground for the assertion, and not any for a denial of it, that Mr. Van Buren has no connexion, in any way or shape, with the doctrines or movements of the abolitionists, and that the attempt, on the part of certain prints, to connect him with them is a base party trick, justifiable only according to the tenets of that school of morals which affirms that "*all is fair in politics.*"

MR. VAN BUREN AND SLAVERY.

[*From the Evening Post, August, 22, 1835.*]

THE Richmond Whig of the nineteenth instant, commences an article in relation to certain opinions expressed by this paper, by saying: "Mr. Van Buren's organ in the city of New-York most acrimoniously censures Messrs. Kendall, Postmaster General, and Gouverneur, Postmaster of the city of New-York, for their respective letters." In this sentence our readers may see the progress of error. Falsehood seems to possess an inherent, self-propelling power, and its tendency is always to move forward. Thus what one day the Richmond Whig puts forth conjecturally, as supposition, or matter of inference, is next day boldly asserted as matter of positive knowledge. On the 18th it understood this journal to be an organ of Mr. Van Buren, and on the 19th, without any intermediate corroboration of its opinion, surmise had grown into established fact. We are sorry that the Richmond Whig is thus increasing the difficulty of correcting its unfounded statement.

The object of connecting this journal, in respect to its opinions touching the question of slavery, with Mr. Van Buren, is collaterally to injure that individual by imputing to him sentiments unfriendly to southern rights and interests. We must beg of the Richmond Whig, however, in justice to both ourselves and Mr. Van Buren, not to consider us as his mouthpiece, since no imputation can be more unjust, nor to censure him for our opinions, since he never has the least knowledge of them except through the same medium that conveys them to the Richmond Whig, namely, the columns of this newspaper.

The Richmond Whig knows perfectly well that the paragraphs which it has quoted from this paper, it might

have taken from the Albany Evening Journal, into which they were immediately copied with expressions of entire concurrence in the sentiments they express, and with an accompanying article as strongly reprehending the course of Amos Kendall as did our own. But if the Richmond Whig had quoted from the Albany Evening Journal, it could not have called it "*Mr. Van Buren's organ*;" since it is notorious that there is not a print in the United States—not excepting even the Richmond Whig—more bitter against Mr. Van Buren than the paper in question. Yet, if a few prints, including some in favour of Mr. Van Buren and others opposed to him, concur in expressing objections to Mr. Kendall's sentiments, and the great majority of prints, without reference to their preferences or prejudices on the question of the Presidency, agree in approval, either explicit or tacit, of those sentiments, how can the Richmond Whig reconcile it to its sense of what honour requires, as well in political warfare as in a contest of any other nature, to single out a particular paper, and by terming it an organ of Mr. Van Buren, disingenuously attempt to fasten upon him opinions with which he has no more connexion than the Richmond Whig itself?

Let Mr. Van Buren stand or fall by his own merits. Do not seek to destroy him by imputing to him opinions with which he has nothing to do. Judge of him by his own acts and sentiments, and if these do not condemn him, attempt not to bolster up a bad cause by resorting to a species of political forgery.

It was modestly intimated in the Letter of Mr. Van Buren, accepting the nomination tendered him by the Baltimore Convention, that he owed his selection more to his being pointed out to the democracy by the persevering attacks of his enemies, than to any positive merit of his own. The merits of Mr. Van Buren may speak un-

bonneted to as proud a fortune as that to which he is about to be elevated by the free suffrages of the people of the United States ; and it did not need that he should become the object of opposition rancour to endear him to the hearts of the democracy, who, in the services he has done the state, in his even and consistent career, his uniform support of popular rights, and his general integrity and worth in all the relations of life, public and private, are furnished with an ample warrant for the esteem in which they hold him. But this we will say : that if there were no positive evidences of Mr. Van Buren's claims to approbation, we yet could find, in the very bitterest prints of the aristocracy, the most abundant negative testimony of his merits. Let the reader look through the journals most violently opposed to that distinguished man—journals which give daily proof of the recklessness with which they overleap the domestic barriers and ransack the secret places of private life. Let him fasten on all he meets with relative to Mr. Van Buren, drag it out into day-light, sift it and examine it, and what does it amount to ? Is there a single act alleged against Mr. Van Buren for which he ought to blush ?—a single sentiment which he ought to retract ?—a single expression which does discredit to his head or his heart ? He is called a magician ; yet not for the practice of arts inhibited, for all his powers are those only of a superior nature, patriotically exercised for the advantage of his country. He is called an intriguer ; yet notwithstanding all the mutations of parties, and all the derelictions of friends which have occurred in the long period that the public gaze has been fixed upon him, the world is boldly challenged to show a single trace of secret plotting. In the absence of fitter themes of censure, his personal habits are chosen as topics of ridicule and reproach ; and the proud spirit of aristocracy has de-

scended even so pitifully low as to descant on the style of his equipage and the fashion of his clothes !

The Richmond Whig, however, with a spirit of originality which would be commendable, were it not a spirit of dishonesty also, strikes out a path for itself, and disdaining to comment on the workmanship of Mr. Van Buren's watch-chain or the trimmings of his coach, attacks him on the more important ground of hostility to the rights and domestic institutions of the south. It is unfortunate for the object which the Richmond Whig seeks to accomplish that it has no foundation for its remarks. This does not derogate from the boldness of its effort, but materially interferes with the prospect of success. Mr. Van Buren will hardly be deserted as unfriendly to the south, because the Evening Post has expressed disapprobation of the sentiments of Mr. Kendall's letter.

But we have a word to say on our own score as regards this subject of unfriendliness to the south. There is not a journal even in the trans-Potomack part of the Union which feels a stronger interest in the real welfare of that portion of the confederacy than is entertained by ourselves ; there is not one which has a nicer regard for their rights, or would make a greater effort to defend them. We have watched the progress of the question which is now agitating the southern states with the liveliest concern, and have witnessed the rapid increase of abolition fanaticism with the deepest regret, not unmingled with alarm. If aught had been in our power to arrest that frantic sect, we should not have stood an inactive spectator of its progress. If any arguments urged by us could convince them of their fatal error, or if any persuasion would turn them from their course, neither reasoning nor exhortation should be withheld. Nay, further, with all the influence we can possibly exert, we

shall support every proper and constitutional effort to throw difficulties in the way of the abolitionists, and protect the south from the subtle poison of their inflammatory and insurrectionary publications. Whatever can be done to promote the security of our brothers of the south, not inconsistently with the paramount obligations of the Constitution, and with those sacred principles of liberty on which the Constitution is founded, we shall do with all our heart and soul and understanding. But the Richmond Whig must excuse us if we pause at that line of demarkation. We cannot trample on the charter of our national freedom to assist the slave-holder in his warfare with fanaticism. We cannot subscribe to those disorganizing sentiments which would elevate ten thousand postmasters above the law, and constitute them censors of the press, however great our respect for the source from whence they proceeded, or however sincere our regret for the particular occasion which elicited them.

Among the matters which our columns contain to-day is the "Calm Appeal," so called, of the Richmond Enquirer to the people of the north on the exciting subject which now engrosses so much of public attention. We need not ask of our readers to give this address a careful perusal, for the topic and the source will alike commend it to their gravest consideration. But great as our esteem is for the writer who thus appeals to the citizens of this section of the confederacy, and ardent as is our desire that the bitter cup, which he seems to think we are raising to the lips of our southern brethren, may pass untasted from them, we cannot permit his address to go forth, without accompanying it with an expression of our disapprobation of much that it contains. Our time will not permit us to go into particular objections; but we may state generally that it claims quite too much in denying the right of the north to discuss the question of

slavery, and addresses its arguments too much to our fears. The grand alternative which the Richmond Enquirer seems to have ever in its eye, a dissolution of the Union, might not prove a remedy for all the ills the south is heir to. Far off be the day when the ties which unite our sisterhood of sovereignties shall be sundered; but come that event when it may, there are none on whom the ills of separation will more sorely press than on those states which are ever so forward to "calculate the value of the Union," and to threaten its dissolution.

FANATICAL ANTI-ABOLITIONISTS.

[*From the Evening Post, August 26, 1835.*]

THE call for a public meeting to express the sense of this community on the subject of the efforts of the anti-slavery society is published in our paper this afternoon, with all the signatures attached. We do not like the phraseology of this call, and if the resolutions to be submitted to the proposed meeting should be written in the same spirit, we shall be constrained to withhold our approbation from them. It would be well for those who are chiefly concerned in getting up the meeting to remember that there may be fanaticism as well among the anti-abolitionists as the abolitionists, and that incendiary language is as unjustifiable on the one part as the other. The call of a public meeting, and the proceedings of that meeting when convened, should be calm and temperate, suitable to the gravity of the occasion, and the dignity of the community. Such inflammatory phrases as "imported travelling incendiaries," and "misguided native fanatics" smack too much of the Courier and Enquirer to accord with the seriousness of the subject in regard to which the people are called together to deliberate. It

would be a source of endless regret to all right-minded men if this public gathering should degenerate into a mob, and act over the scenes of the former abolition riot. Yet those engaged in drawing up the resolutions, besides the other considerations which strongly recommend moderation in sentiment and expression, would do well to bear in mind that in the present excited state of public feeling, a few inflammatory phrases might easily set men's minds on fire, and give a tumultuous character to an assemblage which can only truly promote the desired end by acting with the most impressive seriousness and decorum.

REWARD FOR ARTHUR TAPPAN.

[*From the Evening Post, August 26, 1835.*]

THE southern presses teem with evidences that fanaticism of as wild a character as that which they deprecate exists among themselves. How else could such a paper as the Charleston Patriot advert with tacit approval to the statement, that a purse of twenty thousand dollars has been made up in New-Orleans as a reward for the audacious miscreant who should dare to kidnap Arthur Tappan, and deliver him on the Levee in that city. Revolting to right reason as such a proposition is, we find it repeated with obvious gust and approbation by prints conducted by enlightened and liberal minds—by minds that ordinarily take just views of subjects, achieve their ends by reasoning and persuasion, and exert all their influence to check the popular tendency to tumult. Is the Charleston Patriot so blinded by the peculiar circumstances in which the south is placed as not to perceive that the proposed abduction of Arthur Tappan, even if consummated by his murder, as doubtless is the object, would necessarily have a widely different effect from that of sup-

pressing the Abolition Association, or in anywise diminishing its zeal and ardour? Does it not perceive, on the contrary, that such an outrage would but inflame the minds of that fraternity to more fanatical fervour, and stimulate them to more strenuous exertions, while it would add vast numbers to their ranks though the influence of those feelings which persecution never fails to arouse.

But independent of the effect of the proposed outrage on the abolitionists themselves, what, let us ask, would be the sentiments it would create in the entire community? Has the violence of the south, its arrogant pretensions and menacing tone so overcrowded our spirits, that we would tamely submit to see our citizens snatched from the sanctuary of their homes, and carried off by midnight ruffians, to be burned at a stake, gibbeted on a tree, or butchered in some public place, without the slightest form of trial, and without even the allegation of crime? Are our laws so inert, are our rights so ill-guarded, that we must bear such outrages without repining or complaint? Is our Governor a wooden image, that he would look on such unheard of audacity and make no effort to avenge the insult? These are questions which it will be well for the south to ponder seriously before it offers rewards to ruffians for kidnapping citizens of New-York. If the south wishes to retain its slaves in bondage, let it not insult the whole population of this great free state by threatening to tear any citizen from the protection of our laws and give him up to the tender mercies of a mob actuated by the most frantic fanaticism. Such a proceeding would make abolitionists of our whole two millions of inhabitants.

MR. KENDALL'S LETTER.

[*From the Evening Post, August 29, 1835.*]

IF the letter of Mr. Kendall to the postmaster at Charleston deserved the animadversions which have been passed upon it, that to Mr. Gouverneur, which was published in this paper yesterday, requires stricture in a much greater degree; and it was a source of regret to us that circumstances compelled us to place it before our readers unaccompanied by a full expression of dissent from the extraordinary positions it maintains. We hasten to supply the omission by making it the chief subject of our attention to-day.

The letter of Mr. Kendall, after a passing remark about the "fatuity" of the abolitionists, which must be considered as the expression of a mere personal opinion, and therefore out of place in an official communication, proceeds to acknowledge, in the clearest terms, that, after the fullest consideration of the subject, he is satisfied that the Postmaster General has no authority to exclude any species of newspapers or pamphlets from the mails, and adds that such a power, as it would be fearfully dangerous, has been properly withheld. But in the very face and teeth of this admission, Mr. Kendall goes on to say, that nothing but the want of power deters him from giving a sweeping order to exclude the whole series of abolition publications from the southern mails. How striking a proof he affords of the truth of his own remark, that such a power of censorship or interdiction vested in the head of the post-office department "would be fearfully dangerous, and has been properly withheld!" Ay, most properly! Yet though this fearfully dangerous power has been withheld from the Postmaster General, that functionary is in favour of its exercise by his subordinates,

and instead of reprehending Mr. Gouverneur for his lawless conduct, he pats him on the back, and tells him in plain phrase, "if I were situated as you are, I would do as you have done!" We confess that, had not Mr. Kendall's previous letter taken off the edge of our astonishment, this sentiment would have occasioned a keener surprise than we are well able to express in words.

Let us look at the reason of this thing calmly. The Government has carefully withheld from the post-office department a certain power, because it was too fearfully dangerous in its nature to be trusted to the discretion of even the chief officer, under any limitations, however guarded, or responsibilities for its abuse, however heavy. Yet this very power, so jealously and scrupulously withheld from the chief officer, that officer, in the same breath that he acknowledges his lack of it, and commends the wisdom that refused to confer it upon him, applauds his subordinate for usurping, and assures him of the concurrent applause of his country and mankind! Was ever contradiction more manifest? Was ever folly, or "fatuity," if the Postmaster General prefers the word, more palpable?

Postmasters, the letter goes on to say, may, in all cases, lawfully know the contents of newspapers, because the law provides that they shall be so put up as to admit of their being examined. The thirtieth section of the post-office law of 1825 does certainly require "that all newspapers conveyed in the mail shall be under cover, open at one end." And it also ordains that "if any person shall enclose or conceal a letter, or other thing, or any memorandum in writing, in a newspaper, pamphlet, or magazine, or in any package of pamphlets, newspapers, or magazines, or make any writing or memorandum thereon, which he shall have delivered into any post-office, or to any person for that purpose, in order that the same may

be carried by post, free of letter postage, he shall forfeit the sum of five dollars for every such offence." Now, here the purpose is distinctly seen why the law requires that the covers of newspapers should be open at one end. It is not that the postmasters may make themselves acquainted with the contents of newspapers, in order to judge whether or not "they are inflammatory, incendiary, and insurrectionary in the highest degree," and to exercise their supreme discretion whether they ought to be forwarded or retained; but it is simply that they may ascertain whether they conceal any such attempt to defraud the Department of postage as is pointed out and made penal by the clause quoted above. If the covers of newspapers are directed to be left open at one end for any other purpose than this, where is that purpose stated? If it is that postmasters may make themselves acquainted with the contents, there surely should exist some word of direction or intimation to that effect. To infer that they may lawfully set themselves down and peruse all the publications which are sent to be circulated through the mail, because those publications are left accessible for an express and very different purpose, is about as wise as to infer that because a pastry-cook leaves his shop-door open for the accommodation of his customers, a street beggar may enter and consume all his pies and tarts without fee or reward.

But fortunately, after the sample we have had of the discretion of postmasters and postmaster generals, this thing is not left to inference. The law is so perfectly explicit that Mr. Kendall's sophistry, ingenious as it is, stands but little chance before it; and he will be driven back, perforce, to his former position, and compelled to derive his authority for this general perusal of newspapers on the part of his subordinates, in their search after incendiary matter, to that obligation which he alleges we owe to the

communities in which we live above the laws by which those communities are governed. In the very section that directs that one end of newspaper covers shall be left open, it is ordained that "if any person, employed in any department of the post-office, shall improperly detain, delay, embezzle, or destroy any newspaper, or shall permit any other person to do the like, or shall open any mail or packet of newspapers not directed to the office where he is employed, such offender shall, on conviction thereof, forfeit a sum, not exceeding fifty dollars, for every such offence." We fancy it is not from this clause that the Postmaster General gets his authority for saying that "postmasters may lawfully know, in all cases, the contents of newspapers." Let us state briefly the tenour of some other clauses, that the reader may single out the one from which this alleged right is derived. The law provides that any master of a steam-boat carrying the mail who shall fail to deliver to the postmaster, within a specified time, any packet with which he may have been entrusted, shall forfeit thirty dollars for every failure : that if any person shall wilfully obstruct or retard the mail, he shall be fined a hundred dollars : and that if any person employed in the post-office shall detain, open, or destroy any letter or packet of letters, he shall be fined not exceeding three hundred dollars, or imprisoned not exceeding six months. In none of these clauses, we presume, does Mr. Kendall discover his authority for the postmasters reading all the newspapers and pamphlets which pass through their hands. Indeed we are driven to the conclusion that the warrant for doing so exists only in that profound maxim which makes their duty to the community paramount to that which they have solemnly sworn to yield to the laws. Incendiary articles may set whole communities on fire ; newspapers and pamphlets may contain incendiary articles ;

ergo, it is proved syllogistically, that their duty to the community obliges them to read all the newspapers and pamphlets which come into their hands, the law to the contrary notwithstanding.

And now that this stumbling-block is removed from the path of the argument, and it is established that the postmasters, heaven defend them! ought to read the contents of all packages "open at one end," let us see what is the next position we arrive at. Why, neither more nor less, than that, if they discover the said contents to be inflammatory, "it cannot be doubted that it is their duty to detain them, if not even to hand them over to the civil authorities." This we deny; unless the Postmaster General is going again for his authority to his paramount obligation to the community, and means to thrust the despised law aside as something beneath his notice. If the postmaster's duty is derived from the law: if it is circumscribed by those solemn words, "I do swear that I will faithfully perform all the duties required of me, and abstain from every thing forbidden, by the laws in relation to the establishment of the post-offices and post-roads within the United States;" it seems to us perfectly plain, that his detention of publications, because he deemed them inflammatory, would be flat perjury. Congress has not trusted to the Postmaster General that "fearfully dangerous power" of excluding any species of newspapers from the mails; and it has not trusted it to the postmasters under him: where then the authority which, in the case supposed, or in any supposable case, would make it their duty to detain publications of the kind referred to, or of any kind whatever?

But while the Postmaster General thus proclaims what he considers as beyond a doubt the duty of the postmasters under him in a given case, he is careful to repeat several times that he has no authority to direct them to

do so ; that “ they act on their own responsibility, and if they *improperly detain* or use papers sent to their offices, for transmission or delivery, it is at their own peril, and on their heads falls the punishment.” The meaning of the phrase, “*improperly detain*” as used in the Post-office law, is fixed by the stipulations of that law as to what is proper to be done. All unnecessary delay, all voluntary delay, in executing the injunctions of the law is improper delay ; but delay arising from unavoidable casualties or unforeseen hinderances of any kind, does not come under that head. Thus, if an unusual number of publications should be poured into the post-office on any occasion, and the means of conveyance should be inadequate to the immediate transmission of them all, the delay which might occur in forwarding a portion would be a necessary and not improper delay. Thus also the delay occasioned by freshets, broken bridges, and a hundred other casualties of the roads, is not improper delay in the meaning of the law. But delay occasioned by postmasters keeping packages back in order to peruse their contents, or having perused them, because they consider them “ inflammatory, incendiary, and insurrectionary in the highest degree,” is clearly, within the meaning of the law, *improper delay*. It is improper, because it is no part of the postmaster’s duty to peruse printed communications through his office, any more than written ones, but on the contrary he is directly forbidden to do so under a penalty ; and further, because, if he violates this part of his duty, and peruses them in defiance of the law, the “ fearfully dangerous power” is neither entrusted to him nor to his superior, nor indeed is it possessed by the General Government itself, to authorize their detention, on account of their tendency, real or supposed, whether in a religious or moral, a political or social respect.

But while the Postmaster General is so anxious to shift

from his own head all responsibility for this discretionary exercise of unauthorized and "fearfully dangerous" power, he takes care that the load of responsibility shall not rest very heavy on the heads of his subordinates. He talks, indeed, of the "peril" and "punishment" which they will incur if they improperly exercise their unauthorized discretion; but in this most monstrous and flagrant instance, in which a Postmaster has audaciously exercised "fearfully dangerous" powers not only not conferred upon him, but expressly interdicted under heavy penalties, his superior, at whose hands he must be punished if he has incurred punishment, smiles graciously upon him, and tells him, "if I were situated as you are, I would do as you have done," and "you will, I have no doubt, stand justified in that step before your country and all mankind!" More monstrous, more anarchical doctrines, we never heard promulgated. With what face after this, can Mr. Kendall punish a postmaster for any exercise of the fearfully dangerous power of stopping and destroying any portion of the mails? - He has but to say, I considered the contents of that portion "inflammatory, incendiary, and insurrectionary in the highest degree," and Mr. Kendall is bound in consistency to reply to him that, in his place, he would have done the same, and that his country and mankind will applaud the proceeding.

The case which the Postmaster General puts, of the discretionary power which it would be proper for a postmaster to exercise in the event of a war, is not analogous. The abolitionists do not deserve to be considered on the same footing with a foreign enemy, nor their publications as the secret despatches of a spy. They are American citizens, in the exercise of the undoubted rights of citizenship, and however erroneous their views, however fanatic their conduct, while they act within the limits of the law what official functionary, be he merely a subordinate

postmaster, or the head of the post-office department, shall dare to abridge them of their rights of citizenship, or deny them access to those facilities of intercourse which were instituted for the equal accommodation of all? If the American people will submit to this, let us expunge all written codes, and resolve society into its original elements, where the might of the strong is better than the right of the weak.

The Postmaster General affects to consider the course pursued by Mr. Gouverneur "a measure of great public necessity;" and he enters into a very rhetorical description of the consequences which will result from throwing firebrands into magazines of combustibles. We shall leave Mr. Kendall's figures of rhetoric to take care of themselves, and shall only give our attention to his arguments stripped of their showy integuments. It is by no means clear, then, that the deplorable effects which it is considered would inevitably flow from the circulation of the abolition pamphlets are correctly stated. Mr. Kendall himself does not profess to be personally acquainted with the character of those productions, and the "concurrent testimony" which he alludes to is somewhat too vague and declamatory to be altogether trusted. The abolitionists, many, if not the most of whom, say what we may of their opinions and conduct on the question of slavery, are respectable, intelligent, religious men, and mean well, whatever may be the effect of their efforts—the abolitionists, we say, have peremptorily denied, in official publications, a large part of the matters charged against them. They have denied, for example, that their publications have been addressed to any but respectable citizens, or were intended to circulate among any others. They have denied that they were addressed, directly or indirectly, to the passions of the slave, but wholly to the reason and conscience of the master. The statements

of the southern postmasters themselves, as far as they go corroborate this assertion. Here then one important part of the "concurrent testimony" on which Mr. Kendall relies is seen to be defective.

But let us admit that the pamphlets and newspapers of the Anti-Slavery Society are as incendiary as alleged, and that they are intended for the perusal of slaves even more than of masters, still we maintain that a much more effectual, and certainly much more legal means of defeating the object of the abolitionists was in the power of the southern people than disobedience of the law, and violation of their oaths on the part of the public officers of the United States. We are frequently told, with various degrees of vaunting, that on this question of abolition, the south is as one man—that it presents an undivided front—that there is no dissenting voice. By the means then, of quiet and efficient organization, by vigilance committees, and the other measures of internal police which the nature of the evil would naturally suggest to them, they might more certainly prevent the circulation of the dreaded publications, than by any forcible seizure of the post-office, or any violation of his sworn duty by the postmaster in their behalf. If they secure the post-office, either by their own violence, or the treachery of its guardian, they block up but one channel of the stream of free opinion. By the peaceable means which we have suggested they would dam them all. The necessity of vigilance would still press upon them as to other sources of danger, if all fears of the post-office were lulled to rest; so that a little added watchfulness for the few months that must elapse before Congress can revise the post-office laws is not an evil of so greivous a character as to justify Mr. Kendall's denominating the proceeding of Mr. Gouverneur "a measure of great public necessity."

But the most important, the most startling part of Mr.

Kendall's letter we have not yet at all considered. He wishes to throw the question on the popular ground of state rights, and expresses a strong doubt whether the abolitionists have a right to make use of the public mails in distributing their papers through the southern states. The question here arises, who are the abolitionists! The *Courier and Enquirer*, a print which says more, and therefore ought to know more on the subject than any other in the United States, calls this journal an abolition print. The *Albany Argus*, has intimated the same thing, and the *Lynchburg Virginian*, with some foul-mouthed personalities about "the cashiered midshipman," repeats the slander. The *American*, also, for opposing this new and "fearfully dangerous" species of censorship of the press which the Postmaster General labours so hard to establish, and in which he is so readily seconded by the practical efforts of *Mr. Gouverneur*—the *American*, also, has been styled an abolition newspaper. Now, we ask, who is to decide what journals are abolition and what not? Is *Samuel L. Gouverneur* to sit in judgment over the *American* and the *Evening Post*, and decide whether they shall be permitted to pass to their southern subscribers? whether there is not some law, in some slave state, which would include our sheets within its ban, for daring to exercise the right of free discussion, on a momentous question, under the warrant of that provision in the Constitution, of the United States, repeated in almost every state Constitution which guarantees to every citizen the freedom of speech and of the press?

But let us pass over this difficulty which lies at the threshold, and take a full view of Mr. Kendall's new state rights doctrine as applicable to the post office. When the southern states, he says, became independent, "they acquired a right to prohibit abolition papers within

their territories ; and the power over the subject of slavery and all its incidents was in no degree diminished by the adoption of the federal constitution." He further states that, under this sovereign power, some states have made the circulation of abolition papers a capital crime, and others a felony ; and concludes by asking whether the people have a right to do by the mail carriers and Postmasters, what if done by themselves or agents would subject them to the most degrading punishment. It is a great mistake to say that the power of the southern states over slavery *and all its incidents* was in no degree diminished by the adoption of the federal constitution. One of the "incidents," the power of importing slaves, was certainly taken away. But every other "incident" of slavery, with which any single provision of the federal constitution conflicts was necessarily diminished. The Constitution, no matter what were the previous laws of the state, became, on its adoption, the supreme fundamental law of the confederacy. So far from the incidents of slavery being in no wise impaired, many of the sagest men in the Virginia Convention, among them Governor Randolph, Mason, and Patrick Henry, were decidedly of opinion that the Constitution gave the General Government the power of abolishing slavery altogether, in various ways, either by the operation of inordinate taxes, or by requiring the slaves to do military service, and emancipating them as the reward. One of the first things, it is true, which the Congress did under the existing Constitution, was to disavow any right on the part of the General Government to interfere with the subject of slavery. But a resolution of Congress has not the force of Constitutional law. Passed at one session it may be rescinded at another, and even expunged from the journals, as we trust will soon be corroborated by a conspicuous instance.

When the several states adopted a Constitution which gave to the federal government the power to establish the post office, and the power also to make all laws necessary and proper to carry that clause into effect, they gave up all right of extending their local penal enactments, as to the circulation of prohibited publications of any kind, so as to include those officers of the General Government who were merely carrying into effect the provisions of a constitutional law, clearly sheltered under the ceded power above referred to. A constitutional doubt of this kind, when it touches the question of slavery, is of a more exciting character, than when it embraces other matters; but it rests precisely on the same foundation as many other doubts which have been started and settled, and must have the same disposition made of it. The question of the Sunday mail is one of precisely analagous character. Many persons, as fanatical with regard to violations of the Sabbath as the abolitionists are on the subject of slavery, were of opinion that the sovereign power of the states extended over the subject of religion so far as to authorize the stopping of the mails on Sunday. The question was tried, and the result proved otherwise.

Yet if the power "to establish post-offices and post-roads" includes, as a necessary incident, the power to run mails every day and hour, through every state in the confederacy, it must also include the power to preserve those mails inviolable until their contents are safely delivered into the hands to which they are addressed. If the Government possesses the one power it necessarily does the other. If it possesses neither, the post office clause in the Constitution is a mere mockery—the shadow of a shade.

Our article has run out to such an unexpected length that we must now cut it short, though there are still sev-

eral topics on which we wished to express our views. Mr. Kendall's ingenious, but most heterodox and nullifying letter concludes with the expression of a hope, that Mr. Gouverneur and the other postmasters who have assumed the responsibility of stopping the publications of the Anti-Slavery Society, "will see the necessity of performing their duty in transmitting and delivering *ordinary* newspapers, magazines, and pamphlets, with perfect punctuality." Verily we have fallen on evil times when such a request or injunction from a high officer of the General Government to his subordinates is necessary. Does not that very sentence include within itself a whole volume of commentary?

TROUBLE IN HAVERHILL.

[*From the Evening Post, September 3, 1835.*]

"LAST evening, (Sunday,) Mr. May, the abolitionist lecturer, attempted to hold forth in Haverhill, Mass. At the hour of assembling, the meeting-house was filled with numbers of both sexes, and the lecturer commenced his discourse, when a volley of stones and lighted fire-crackers were showered through the windows into the pulpit and upon the congregation, who immediately dispersed. A piece of ordnance was brought upon the spot, probably to frighten the congregation."

So says Brigg's Boston Bulletin. The rights of free discussion are forsooth marvellously well respected in this land of liberty! Formerly, in frontier settlements, beyond the regular operation of law, and in cases where the offences of criminals were too clear to admit of doubt and too base to deserve the slightest lenity, Judge Lynch, so called, was content with administering a species of *codex robustus*, which the criminal himself did not

more dread to encounter, than the thongs and whipping post to which a more authentic judicial tribunal would have condemned him.

But this Judge Lynch, with the proneness to usurpation which characterises all possessors of ill-defined power, has lately extended most fearfully the prescriptive boundaries of his authority. All places are now within the limits of his jurisdiction, and all sorts of crimes, real or imputed, and whether known as such in the statute books or not, are provided for in his unwritten law. The man who—thinking that clause in the Constitution means something which guarantees to every citizen of the United States freedom of speech and of the press—ascends the pulpit, now-a-days, to deliver his sentiments on an interesting subject, may count himself fortunate indeed if he ever descends from it alive; as the probability is he will be hung by the neck to the very horns of the altar by some summary decision under the authority of Lynch law, which, it seems, is entirely paramount to the Constitution and the natural rights of man.

In the case which we copy above, it is matter of marvel that the piece of ordnance, loaded with round shot and grape, was not discharged at the broadside of the meeting-house, the more effectually “to frighten the congregation,” which end would have been still more certainly consummated if a few men, women and children had been killed on the spot. It is a thousand pities Judge Lynch, usually inexorable, was so weakly merciful in this instance, since it is now quite possible that the abolitionist he has suffered to escape may attempt again to exercise his freedom of speech, and the same misguided persons may venture to listen to him; which manifestly could not have happened if they had been killed outright.

There is one little doubt which sometimes obtrudes itself into our minds to prevent us from being wholly

proselyted to the faith of *Lynchism*; namely, whether, after all, the best mode of correcting error of opinion is to destroy the freedom of speech. A little stream, which, if left alone, would soon lose itself in marshes and sedgy places, is sometimes, by being dammed up, swelled to a mighty volume, giving propulsive force to engines of enormous power. It may be so with regard to the abolitionists. It is true, if a man utters dangerous doctrines, he is effectually silenced by cutting his throat, and as dead men tell no tales, so neither do they preach immediate abolition. Yet it is a question, which history does not answer altogether to suit the practise of Judge Lynch and his myrmidons, whether the blood so shed sinks into the barren earth, or whether, like that which trickled from Medusa's severed head, it will not engender a brood of serpents which shall entwine themselves around the monster slavery, and crush it in their sinewy folds.

THE ANTI-SLAVERY SOCIETY.

[*From the Evening Post, Sept. 4, 1835.*]

THE annexed address to the public has been sent to us inclosed in a note from an officer of the Anti-Slavery Society, requesting us, in "behalf of the society whose document it is, and in justice to the public who have a right to the information it contains," to publish it in our columns this afternoon. We most cheerfully comply with this request; and furthermore invite the attention of our readers to this address, as not only one which it is incumbent on them in fairness to peruse, but as one, the sentiments of which, with a single exception, deserve, in our judgment, their approval.

It is quite time, since the South seems determined that

we shall discuss the question of slavery, whether we will or no, that we remember the maxim which lies at the foundation of justice, *Hear the other side*. We have listened very credulously to the one side. We have with greedy ears devoured up all sorts of passionate invectives against the abolitionists, and received as gospel, without evidence, the most inflammatory and incendiary tirades against them. While appropriating to them exclusively the epithets of incendiaries and insurrectionists, we have ourselves been industriously kindling the flames of domestic discord, and stirring up the wild spirit of tumult. It is high time to pause, and ask ourselves what warrant we have for these proceedings? It is time to balance the account current of inflammatory charges, and see which side preponderates, whether that of the incendiaries of the north or of the south.

We have here, in the subjoined official address, signed with the names of men whom we believe too upright to lie, and who certainly have shown that they are not afraid to speak the truth, an exposition of the creed and practise of the Anti-Slavery Society. We have already said that, in our judgment, the matters contained in this document, with a single exception, deserve cordial approval. This expression we wish taken with a qualification. We do not approve of perseverance in sending pamphlets to the south on the subject of slavery in direct opposition to the unanimous sentiments of the slaveholders; but we do approve of the strenuous assertion of the right of free discussion, and moreover we admire the heroism which cannot be driven from its ground by the maniac and unsparing opposition which the abolitionists have encountered.

The particular portion of the subjoined document which we except from our approval is that wherein it is asserted as the *duty* of Congress to abolish slavery in the

District of Columbia. That Congress has the constitutional power so to do, we have not the slightest doubt. But high considerations of expediency, in the largest sense of the word, should be well weighed before an exercise of that power is attempted. A spirit of conciliation and compromise should govern in the matter, as it did in the formation of our sacred *Magna Charta*. Every state in the confederacy should be considered as having an equal interest in the seat of the National Government, and the legislation for it should be of that neutral tint, which results from the mixture of contrary hues of opinion, and is in strong opposition to none. If the free states have a majority in Congress, yet paramount considerations of brotherhood and national amity should prevent them from stirring the question of slavery, by introducing it in any collateral or insidious form. Whenever that question once fully comes into general discussion it is destined to shake our empire to the centre. Let the commotion be then avoided in regard to a spot of ground which is not a pin's point on the map, and in the government of which, more than in almost any other question, the sentiments of the minority ought to be respected.

We are not sure that the Harry Pereys of the South, are not by their hot menaces and inconsiderate vaunts precipitating a discussion which must be entered into sooner or later, and may, perhaps, as well be undertaken at once. Be that as it may, their high and boastful language shall never deter this print from expressing its opinion that slavery is an opprobrium and a curse, a monstrous and crying evil, in whatever light it is viewed; and that we shall hail, as the second most auspicious day that ever smiled on our republic, that which shall break the fetters of the bondman, and give his enfranchised

spirit leave to roam abroad on the illimitable plain of equal liberty.

We have no right to interfere legislatively with the subject of slavery in our sister states, and never have arrogated any. We have no moral right to stir the question in such a way as to endanger the lives of our fellow human beings, white or black, or expose the citizens of the north, attending to their occasions in the south, to the horrors of Lynch law. Nay, we repeat, what we have often asserted with as sincere earnestness as any loud-mouthed anti-abolitionist, that we deeply deplore all intemperate movements on this momentous subject, in view of the dreadful wrecks which the meeting tides of contrary fanaticism must spread around their borders. But while we truly entertain these sentiments, we know no reason that renders it incumbent on us to conceal how far our views are really opposed to slavery; and while we disclaim any constitutional right to legislate on the subject, we assert, without hesitation, that, if we possessed the right, we should not scruple to exercise it for the speedy and utter annihilation of servitude and chains. The impression made in boyhood by the glorious exclamation of Cato, that

A day, an hour of virtuous liberty,
Is worth a whole eternity of bondage,

has been worn deeper, not effaced, by time; and we eagerly and ardently trust that the day will yet arrive when the clank of the bondman's fetters will form no part of the multitudinous sounds which our country continually sends up to heaven, mingling, as it were, into a song of praise for our national prosperity. We yearn with strong desire for the day when Freedom shall no longer wave

“Her fustian flag in mockery over slaves.”

POST-OFFICE PATRONAGE.

[*From the Evening Post, Sept. 5, 1835.*]

THOSE persons who have been in the habit of looking into this paper, at stated periods, hitherto, to see the post-office list of uncalled for letters, and who may be disappointed at not finding it in our columns any more, are referred to the New-York Times, to which journal that portion of the "government patronage" has been transferred. The object of this change is, we suppose, to punish the Evening Post for maintaining the supremacy of the Constitution and the inviolability of the law, in opposition to the seditious doctrines of the Postmaster General, and the audacious conduct of his deputy, Mr. Gouverneur, the postmaster of this city. Such modes of punishment, however, have been tried on us before without effect. We once expressed dislike, we remember, of the undignified tone of one of Mr. Woodbury's official letters, as Secretary of the Treasury, to Nicholas Biddle; and the Treasury advertisements were thenceforward withheld. The Secretary of the Navy having acted with gross partiality in regard to a matter recently tried by a naval court-martial, we had the temerity to censure his conduct; and of course we could look for no further countenance from that quarter. The Navy Commissioners, being Post-Captains, may naturally be supposed to have taken in high dudgeon our inquiry into the oppression and tyranny practised by their order; and "stop our advertisements!" is the word of command established in such cases. When the Evening Post exposed the duplicity of Samuel Swartwout, the Collector of this Port, it at once lost all further support from the Custom House. And now, having censured the doctrines

of Mr. Kendall and the practice of Mr. Gouverneur, the Post-office advertising is withdrawn, of course.

About all this we wish our readers to understand that we do not utter a single complaint; for as we never, directly nor indirectly, solicited any man or institution to take our paper, or give us custom in any shape, so we never shall remonstrate against its being discontinued, at the pleasure of those who bestow it. We merely state the fact for the information of all whom it may concern, and shall take the liberty of adding the assurance, for the accuracy of which the past, indeed, furnishes some vouchers, that the course of this journal cannot be influenced, a hair's breadth, by that species of reasoning which may be termed the *argumentum ad loculum*. The quality of independence would be worth but little if it could stand no sacrifices: ours, at all events is not of so sickly a kind; and any losses we may incur in fearlessly maintaining the right of free discussion and the supremacy of the laws, and in earnestly and undeviatingly pursuing, on all subjects, that path which honesty and honour point out, will always be cheerfully sustained.

The taking away of the post-office "patronage" (execrable word!) has not made Mr. Kendall's letter and Mr. Gouverneur's conduct appear a whit more heterodox and dangerous than they did before; and the restoration of it to-morrow would not render them a jot more sound and harmless in our view. Our opinions on the subject presented by the letters of those two functionaries were formed from a perusal of the letters themselves, not from a consideration of our subscription-book and ledger. We never regulate our course by such low and uncertain standards, but endeavour, without extraneous bias, to determine all questions by the immutable principles of truth and reason, and to act accordingly with boldness and zeal, leaving consequences in the hands of the commu-

nity. We ought to add that our experience, so far, has corroborated the good old maxim, that *honesty is the best policy*. There is no danger that the withdrawal of the post-office advertisements will render our minds at all doubtful of the truth of the saying, or of its invariable excellence as a guide of conduct.

ABOLITIONISTS.

[*From the Evening Post, September 7, 1835.*]

THERE is a class of newspaper writers who seem to think that epithets are more powerful than arguments, and who therefore continually bestow on their opponents odious appellations, instead of counteracting the tendency of their views by temperate expositions of their fallacy. To call names certainly requires less effort of mind than to reason logically, and to persons of certain tastes and powers may therefore be the most congenial mode of disputation. But we are not aware that the highest degree of proficiency in this species of dialectics ever threw much light on the world, or sensibly advanced the cause of truth; and it may be doubted if even the fisherwomen of Billingsgate, who we believe stand unrivalled in vituperative eloquence, can be considered as ranking among the most edifying controversialists.

There are those, however, who widely differ from us in this opinion, if we may judge by their practise; who deem a harsh epithet more conclusive than a syllogism, and a personal allusion as comprising in itself subject, predicate, and copula. By this class of reasoners it has been our fortune to have many of our views opposed, and it is amusing to see the air of triumph with which they utter their opprobrious terms, as if each one levelled to

the earth a whole file of arguments. Thus the fallacy of our views on banking was unanswerably demonstrated by calling us a lunatic ; the folly of our opposition to monopolies was made manifest by likening us to Jack Cade ; and all reasoning in support of the equal rights of man was summarily overthrown by the tremendous epithet of agrarian. The views which we have felt it our duty to urge on various other subjects were irrevocably scattered by a volley of small shot, among which the phrases " sailor actor editor," and " chanting cherubs of the Post," did the most fatal execution. And now, again, our exertions in support of the sacred right of free discussion, and in defence of the supremacy of the laws, are answered by a single word—by denouncing us as *abolitionists*.

There are persons who might be frightened into silence by the terrors of this formidable epithet ; but we have something of the same spirit in us that animates those to whom it more truly applies, and do not choose to be driven back by the mere vulgar exclamations of men who wield no weapon but abuse, and who do not even know the meaning of the words they so liberally employ. The foundation of our political creed is unbounded confidence in the intelligence and integrity of the great mass of mankind ; and this confidence sustains and emboldens us in our course on every public question which arises. We are led by it, not to inquire into individual prejudices or opinions ; not to an anxious examination of the popular pulse on every particular subject ; but to an inquiry, simply, into the abstract merits of the question, and an examination of it by the tests of truth and reason, relying on the popular wisdom and honesty to sustain the line of conduct which such scrutiny suggests. It is so in the present case. There is no terror in the term abolitionist for us ; for we trust to our readers to discriminate between words and things, and to judge of us by our

sentiments, not by the appellations which foul-mouthed opponents bestow. The course we are pursuing is one which we entered upon after mature deliberation, and we are not to be turned from it by a species of opposition, the inefficacy of which we have seen displayed in so many former instances. It is Philip Van Artavelde who says—

All my life long,

I have beheld with most respect the man
Who knew himself, and knew the ways before him,
And from amongst them chose considerately,
With a clear foresight, not a blindfold courage ;
And having chosen, with a steadfast mind
Pursued his purposes.

This is the sort of character we emulate.

If to believe slavery a deplorable evil and a curse, in whatever light it is viewed ; if to yearn for the day which shall break the fetters of three millions of human beings, and restore to them their birth-right of equal freedom ; if to be willing, in season and out of season, to do all in our power to promote so desirable a result, by all means not inconsistent with higher duty : if these sentiments constitute us abolitionists, then are we such, and glory in the name. But while we mourn over the servitude which fetters a large portion of the American people, and freely proclaim that, did the control of the subject belong to us, we would speedily enfranchise them all, yet we defy the most vigilant opponent of this journal to point his finger to a word or syllable that looks like hostility to the political rights of the south, or conceals any latent desire to violate the federal compact, in letter or spirit.

The obligations of the federal compact, however, are greatly misrepresented by those who contend that it places a ban on all discussion of the question of slavery. It places an interdiction on the discussion of no subject

whatever ; but on the contrary secures, by an especial guarantee, that no prohibition or limitation of freedom of opinion and speech, in its widest latitude, shall ever be instituted. The federal government cannot directly interfere with the question of slavery, simply because the power of such interference is not included among those conferred upon it ; and “all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.” The truth is, the only restraint on the discussion of slavery is that which exists in the good sense and good feeling of the people, in their sentiments of brotherhood, and in the desire which all rational minds must entertain of accomplishing worthy ends by means every way proportioned to the object. Whoever supposes that the question is guarded by any more positive obligation than this, has very imperfectly studied both the Constitution itself, and those documents which illustrate its history, and the sentiments, motives and policy of its founders. The Journal of the Convention which framed the Constitution, and those of the several State Conventions are happily extant. If it is true that the people of the United States are forbidden to speak their sentiments on one of the most momentous subjects which ever engaged their thoughts ; if they are so bound in fetters of the mind that they must not allude to the less galling fetters which bind the limbs of the southern slave ; let the prohibitory passage, we pray, be quickly pointed out ; let us be convinced at once that we are not freemen, as we have heretofore fondly believed ; let us know the worst, that we may seek to accommodate our minds and break down our rebellious spirits to the restricted limits in which alone they are permitted to expatiate.

But how false is the imputed acuteness for which the American people are famed, if they have overlooked this

principle in their institutions, so deadly hostile to liberty, until now that the assertion of their supposed freedom of discussion has called for the application of it ! Burke, long ago, speaking of America, observed, that "in other countries, the people, more simple and of less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze." Little is this compliment deserved at the present day, whatever may have been the case at the period when it was uttered, if we are now for the first time to discover that we have blindly entered into a compact which excludes us from an expression of our sentiments on a subject, not only of vast intrinsic interest to every freeman, but one that hangs like a portentous cloud over the destiny of our country, fraught with direst and hourly accumulating mischief, and threatening to break, sooner or later, in a fearful and desolating tempest. The approach of tyranny, if his is so, was not snuffed afar off, but it closed around us, folding us in its strong embrace, and poisoning the atmosphere with its corruption, before we were aware of our danger.

Strange to say, even they who framed the Constitution, and the sages who deliberated upon it in the several State Conventions, overlooked the startling interdiction of free discussion which it is now said to enjoin. In Virginia, from whence we hear so menacing a voice, no pretence was set up, when the Constitution was adopted, that the federal compact prohibited freedom of speech on any subject whatever. Nay, it was even thought, and openly expressed, by many of her wisest sons, that Congress itself had the power, in various indirect ways, to snap the shackles of the slave and give him freedom. George

Mason complained in the Convention that there was no clause in the Constitution securing to the southern states their slave property, and contended that Congress might lay such a tax on slaves as would amount to manumission. Patrick Henry contended that there was nothing to "prevent Congress from laying a grievous and enormous tax on slaves, so as to compel owners to emancipate them rather than pay the tax." In another speech he argued that Congress would possess the power of abolishing slavery under the clause empowering it to provide for the general defence—that it might pronounce all slaves free, and had ample warrant for so doing. Various other opinions of like import were confidently expressed and eloquently insisted upon.

We refer to these passages in the debates of the Virginia Convention, not as concurring in the views they take of the powers of Congress under the federal compact, but to show that it was not always considered, even in Virginia, which now speaks so authoritatively and hotly on the subject, that the "domestic relations of the south," as it softly phrases the relations between master and slave, were a matter entirely fenced round from all interference beyond the boundaries of the slave states. That there is any rightful power of legislative interference in the general government, direct or indirect, or in the governments of the states, we distinctly deny. But at the same time we as distinctly assert the clear unalienable right of every citizen of the United States to discuss the general subject, and for our own part shall fearlessly and fully exercise that right whenever we are not restrained by paramount considerations of amity or duty. The senseless cry of abolitionist at least shall never deter us, nor the more senseless attempt of so puny a print as the New-York Times to show that we have deserted the democratic party. The often quoted and beautiful saying of

the Latin historian, *homo sum—humani nihil a me alienum puto*, we apply to the poor bondman as well as to his master, and shall endeavour to fulfil towards both the obligations of an equal humanity.

SLAVERY NO EVIL.

[*From the Evening Post, September 9, 1835.*]

NOTHING, in these days of startling doctrines and outrageous conduct, has occurred to occasion us more surprise than the sentiments openly expressed by the southern newspapers, that slavery is not an evil, and that to indulge a hope that the poor bondman may be eventually enfranchised is not less heinous than to desire his immediate emancipation. We could hardly have believed, if we had not seen these sentiments expressed in the southern newspapers, that such opinions are entertained by any class of people in this country. But that they are both entertained and loudly promulgated, the extracts from Charleston papers which our columns contain this afternoon afford abundant and sorrowful proof. These extracts are from journals which speak the feelings and opinions of a whole community; journals conducted with ability, by men who weigh their words before they give them breath, and seldom utter sentiments, particularly on momentous questions, which are not fully responded to by a wide circle of readers. We have made our quotations from the Charleston Courier and Charleston Patriot; but we might greatly extend them, did not our sickened feelings forbid, by similar passages from various other newspapers, published in various parts of the south.

Slavery no evil! Has it come to this, that the foulest stigma on our national escutcheon, which no true-hearted

freeman could ever contemplate without sorrow in his heart and a blush upon his cheek, has got to be viewed by the people of the south as no stain on the American character? Have their ears become so accustomed to the clank of the poor bondman's fetters that it no longer grates upon them as a discordant sound? Have his groans ceased to speak the language of misery? Has his servile condition lost any of its degradation? Can the husband be torn from his wife, and the child from its parent, and sold like cattle at the shambles, and yet free, intelligent men, whose own rights are founded on the declaration of the unalienable freedom and equality of all mankind, stand up in the face of heaven and their fellow men, and assert without a blush that there is no evil in servitude? We could not have believed that the madness of the south had reached so dreadful a climax.

Not only are we told that slavery is no evil, but that it is criminal towards the south, and a violation of the spirit of the federal compact, to indulge even a hope that the chains of the captive may some day or other, no matter how remote the time, be broken. Ultimate abolitionists are not less enemies of the south, we are told, than those who seek to accomplish immediate enfranchisement. Nay, the threat is held up to us, that unless we speedily pass laws to prohibit all expression of opinion on the dreadful topic of slavery, the southern states will meet in Convention, separate themselves from the north, and establish a separate empire for themselves. The next claim we shall hear from the arrogant south will be a call upon us to pass edicts forbidding men to think on the subject of slavery, on the ground that even meditation on that topic is interdicted by the spirit of the federal compact.

What a mysterious thing this federal compact must be, which enjoins so much by its spirit that is wholly omitted in its language—nay not only omitted, but which is di-

rectly contrary to some of its express provisions ! And they who framed that compact, how sadly ignorant they must have been of the import of the instrument they were giving to the world ! They did not hesitate to speak of slavery, not only as an evil, but as the direst curse inflicted upon our country. They did not refrain from indulging a hope that the stain might one day or other be wiped out, and the poor bondman restored to the condition of equal freedom for which God and nature designed him. But the sentiments which Jefferson, and Madison, and Patrick Henry freely expressed are treasonable now, according to the new reading of the federal compact. To deplore the doom which binds three millions of human beings in chains, and to hope that by some just and gradual measures of philanthropy, their fetters, one by one, may be unlocked from their galled limbs, till at last, through all our borders, no bondman's groan shall mix with the voices of the free, and form a horrid discord in their rejoicings for national freedom—to entertain such sentiments is treated as opprobrious wrong done to the south, and we are called upon to lock each other's mouths with penal statutes, under the threat that the south will else separate from the confederacy, and resolve itself into a separate empire.

This threat, from iteration, has lost much of its terror. We have not a doubt, that to produce a disrapture of the Union, and join the slave states together in a southern league, has been the darling object, constantly and assiduously pursued for a long time past, of certain bad revolting spirits, who, like the arch-angel ruined, think that "to reign is worth ambition, though in hell." For this purpose all the arts and intrigues of Calhoun and his followers and myrmidons have been zealously and indefatigably exerted. For the achievement of this object various leading prints have long toiled without intermis-

sion, seeking to exasperate the southern people by daily efforts of inflammatory eloquence. For the accomplishment of this object they have traduced the north, misrepresented its sentiments, falsified its language, and given a sinister interpretation to every act. For the accomplishment of this object they have stirred up the present excitement on the slave-question, and constantly do all in their power to aggravate the feeling of hostility to the north which their hellish arts have engendered. We see the means with which they work, and know the end at which they aim. But we trust their fell designs are not destined to be accomplished.

If, however, the political union of these states is only to be preserved by yielding to the claims set up by the south; if the tie of confederation is of such a kind that the breath of free discussion will inevitably dissolve it; if we can hope to maintain our fraternal connexion with our brothers of the south only by dismissing all hope of ultimate freedom to the slave; let the compact be dissolved, rather than submit to such dishonourable, such inhuman terms for its preservation. Dear as the Union is to us, and fervently as we desire that time, while it crumbles the false foundations of other governments, may add stability to that of our happy confederation, yet rather, far rather would we see it resolve into its original elements to-morrow, than that its duration should be effected by any measures so fatal to the principles of freedom as those insisted upon by the south.

These are the sentiments of at least one northern journal; and these sentiments we shall intermit no occasion of urging with all the earnestness of our nature and all the ability we possess. It is due to ourselves, and it is no less due to the south, that the north should speak out plainly on the questions which the demands of the former present for our decision. On this subject boldness

and truth are required. Temporizing, like oil upon the waters, may smooth the billows for a moment, but cannot disperse the storm. Reasonable men and lovers of truth will not be offended with those who speak with boldness what reason and truth conspire to dictate. "As for the drummers and trumpeters of faction," to use the language of Lord Bolingbroke, "who are hired to drown the voice of truth in one perpetual din of clamour, and would endeavour to drown, in the same manner, even the dying groans of their country, they deserve no answer but the most contemptuous silence."

REGULATION OF COAL.

[*From the Evening Post, Sept. 10, 1835.*]

A copy of the petition of the Corporation of this city, on the subject of the law regulating the sale of anthracite coal, has been laid before us, and is worthy of a remark. The petition desires that such an alteration of the existing law may be made as shall permit the purchaser to choose for himself whether he will have his coal weighed by an appointed weigher or not. Nothing can be more indisputably reasonable than this. Those who claim that municipal authorities ought to exercise their powers for the regulation of trade, and establish inspectors, gaugers, weighers and supervisors, of various kinds, to see that tradespeople do not cheat their customers in quality, strength, weight, or quantity, yet cannot, we should suppose, be so utterly blind to the natural rights of the citizen, as to require that he should not be permitted to cheat himself, if he prefers to do so.

For our own part, as our readers well know, we are opposed to the whole system of legislative interference with trade, which we wish to see left to its own laws, un-

fettered by any of the clogs and hinderances invented by political fraud and cunning, to extract indirect taxes from the community, and contrive offices with which to reward the selfish exertions of small-beer politicians. We should be glad to see the whole tree, root and branch, destroyed. We should be glad if the whole oppressive and aristocratic scheme of inspection and guaging, whether existing under the General Government, or that of the state, or of the city, were utterly abrogated. We should be glad to see the custom-house swept off into the sea, and the whole army of collectors, surveyors, tide-waiters, and lick-spittles, of various denominations, swept off with it—or at least compelled to resort to some other method of obtaining a livelihood. We should be glad if the inspectors of beef, flour, pork, cotton, tobacco, wood, charcoal and anthracite, and all their brother inspectors, too numerous to mention, were made to take up the line of march, and follow their file leaders into some more democratic species of avocation. The land, freed from this army of incubuses, and from the bad laws which give them being, would then blossom as the rose under the genial influence of free trade ; and then it would be found, we do not doubt, from the alacrity with which the people would bear direct taxation for all the necessary purposes of government, that there was never any reason for the anomaly we have presented in resorting to indirect means for obtaining the public resources, as if the popular virtue and intelligence, on which our institutions are professedly founded, existed but in name, and the necessary expenses of government could only be obtained from the people by some method which prevented them from seeing what they paid.

But putting these ultra views, as some may consider them, entirely out of sight, there cannot be two opinions, one would think, as to the entire propriety of the request now made to the city legislature by the petition to which

we have alluded. There are many persons who have greater confidence in the coal dealers than in the public weighers, and we know of no just reason why they should be prohibited by law from indulging their preference.

[*From the Evening Post, September 19, 1835.*]

EXTREMES UNITE.

From the Washington Globe, of yesterday.

“THE EVENING Post has, on various occasions, shown a disposition to fly off from the democratic party, by running into extremes. Upon the Tariff it knew no medium. It was free trade, without a reference to the policy of other nations. In regard to Banks no account to be taken of the actual condition of things in the country, but a universal and immediate annihilation was the tendency of all the Post’s arguments. The spirit of agrarianism was perceivable in all the political views of the editor, and it seemed as if he was inclined to legislate altogether upon abstractions, and allow the business of the world and the state of society to have nothing to do with it. This Eutopian temper in the Post was perpetually running the Editor’s head against a post—some established land-mark set up by the experience and good sense of the people to designate the different interests among us and the principles by which they were to be protected. In its warfare upon the settled principles of Democracy, the Post has ever and anon found itself at loggerheads with the organs which have long been accustomed to reflect the public sentiment. The Richmond Enquirer—the Albany Argus, and other standard republican prints, have been successively the

object of its attack. Finally, the Post, as if eager to break with the party to which it has assumed to be devoted, has assailed the Secretary of the Treasury, the Secretary of the Navy, and the Postmaster General. All this might possibly be set down to individual caprice—a sort of innocent ostentation, by way of displaying the independence of the editor. But he has at last (and we are glad of it) taken a stand which must forever separate him from the democratic party. His journal now openly and systematically encourages the Abolitionists. In this, he attacks the compromise which was the foundation of the Union, and commits outrage upon the most devotedly cherished feelings of the whole democracy of the Union. The abolition conspiracy is worse than nullification. The latter only contemplates a dissolution of the Union. The scheme of the Abolitionists involves the destruction of the Confederacy, and brings with it also, as a foretaste, the horrors of a servile and civil war. As this is the tendency of the Post's present course, it must be content, hereafter, to be numbered among those journals with which its extravagance has associated it. The abolition faction is the natural ally of the Nullification and Hartford Convention factions; and while the Post, as a journal, acts with the former, the Democracy will class it with the Telegraphs, the Telescopes, the royal Americans, the Stone and Dwight Advertisers of the day."

We lose no time in placing the foregoing article conspicuously before our readers, and shall willingly part from such as fall off from us in consequence of the excommunication pronounced by the Washington Globe. But they who shall stand by us through the evil report, as they have stood by us through the good report of that paper, and as they stood by us long before that paper had existence, shall have ample occasion to acknowledge that our democracy is of too steadfast a kind to be driven off

even by the revilings of those who profess the same political creed with ourselves and act as accredited organs of our party. The principles which govern us in relation to all political questions are such as insure our permanent continuance with the real democracy of the land ; and as the reputation of this journal was in no degree the result of any assistance which it ever derived from the Washington Globe, so we may be permitted to hope that its surcease will not be occasioned by the countenance of that print being withdrawn.

There are certain leading principles in politics which constitute the cynosure by which the course of this journal is guided. The universal political equality of mankind, the intelligence and integrity of the great mass of the people, and the absolute right of a majority to govern, are the fundamental articles of our belief. These actuate us in every movement now, and we trust will continue to actuate us to the last moment of our lives. The political theories which rest on these principles as their basis, though they may sometimes ascend beyond the line of prudence, can never overtop the altitude of truth, but in their most airy elevation will securely lean against that steadfast and eternal support.

We very much regret that the Globe has taken upon itself to denounce this journal, and to give all who believe in its infallibility to understand that they must hereafter consider and treat the Evening Post as belonging to the common herd of the enemies of the democracy. We regret it, both because of the two-fold motive from which the anathema proceeds, and from a consideration of the consequence which it is likely to occasion. But we by no means look upon it as the worst evil which could befall us, and while we remain true to the great interests of democratic freedom, we have little fear either that our own prosperity, or our just influence on public sentiment, will

be materially diminished by the proscription or denunciation of a party journal which, in no quality that ought to distinguish the public press, rises much above the level of ordinary party papers, and which derives all its superiority from the mere accident of its semi-official character.

We have alluded to the two-fold motive which has led the *Globe* to pronounce our exclusion from its list of democratic newspapers. What it says about our tendency to run into extremes is for the purpose of giving a colourable pretext for the course which undivulged motives of secret policy have prompted it to pursue. Our views on the subject of the tariff never before elicited a syllable of disapprobation from that journal. Throughout the great struggle, which involved such extensive interests, excited such angry feelings, and threatened, at one time, to sunder the Union, the *Globe*, indeed, pursued a cautious silent policy, or, when it ventured to express itself at all, did so in equivocal terms, liable to a double construction, and played to perfection the part of a political Janus, turning one face to the South and the other to the North.

The course of this paper on the subject of banks is wholly and we believe wilfully misrepresented by the *Washington Globe*, and, at any rate, this is the first time that a word of disapprobation on that subject has been expressed. It is utterly untrue, and every reader of this journal knows it is so, that we have desired a reformation of the bank system "regardless of the actual condition of things," and have insisted upon "universal and immediate annihilation" of the system. The course which we have pursued in regard to banks is the same which the *Globe* itself, though with much less earnestness, has pursued; it is the same course that has been over and over again recommended by Andrew Jackson, Thomas H. Benton, Churchill C. Cambreleng, and many others of

the most prominent and soundest democrats in the land. It is the only course consistent with democratic principles, and we defy the *Globe* to point out one sentiment in our anti-monopoly warfare in the slightest degree at variance with the doctrines of democracy as taught by Jefferson and illustrated by Jackson.

As to the contemptible slang about Agrarianism and Utopianism, to which the *Globe* descends for the lack of valid objections against this journal, we deem it wholly unworthy of reply. The assertion that we have warred against "the settled principles of democracy," is an unmitigated falsehood, for which not a tittle or shadow of proof can be adduced. It is false, also, that the *Richmond Enquirer* has been attacked by us, or that we have assailed the Secretary of the Treasury any further than by mentioning the discontinuance of Treasury advertisements in this paper, with the presumed cause. The Secretary of the Navy we have indeed assailed, for grossly impartial and improper conduct in the case of Captain Read; and the assault, unluckily for him, was fully justified by the facts which occasioned it. We have also assailed the Postmaster General, for the official promulgation of doctrines which strike at the root of government and public order. What we have done in relation to these two functionaries we should do again, were the same cause (which heaven forbid!) again presented; and we know of no ægis which ought to protect their misconduct, any more than that of the humblest member of the democratic party, from the reprehension of the press.

But the real two-fold motive of the *Globe* is perfectly understood. As far as that motive is connected with a desire to punish us for having opposed the nullifying doctrines of Amos Kendall, we do not deem it worthy of animadversion, and are quite content to let matters take

their own course in that respect. As far as it springs from a disposition to appease the south, and thus promote the interests of Mr. Van Buren in that quarter of the confederacy, we certainly do not disapprove the end, however much we may naturally shrink from the honours of martyrdom for that purpose. It has been a source of much regret to us that the discussion which has arisen between the north and south would necessarily tend to alienate in some degree, the minds of southern men from a northern candidate for the office of President; and we have not doubted that, to produce this very result, the discussion was promoted, and the angriest and most inflammatory mode of disputation resorted to, by some of those engaged in it. Yet because dishonest politicians were endeavouring to wrest a great question to their own sinister purposes, we did not feel ourselves at liberty to shrink from an earnest support of what we consider the cause of truth; much less did we feel it incumbent on us to yield to the arrogant demand of the south, that we would not only abstain from all discussion of the question of slavery, but even prohibit its discussion "by the strong arm of the law." Our duty as democrats and as freemen seemed to us to require that we should earnestly oppose this arrogant demand, the more especially as we saw but too plain denotements, in this quarter of the Union, of a disposition to truckle to the South, for the purpose of promoting objects wholly inferior in importance to the great principle of free discussion.

In a sincere desire that Martin Van Buren may be elected President of the United States, we are not surpassed by the Washington Globe or any other journal in this or any other part of the Union. Not for our own behoof, in any way or shape, do we desire this, nor because of any disposition favourable to our private interests or feelings that it would make in either the public

offices or emoluments. We desire the success of Mr. Van Buren simply because of his intrinsic fitness for the high office of President, and for the sake of the democratic principles involved in the contest. Whatever we can do to promote his election, not inconsistent with the eternal obligations of truth and justice, shall be freely and strenuously done ; and let the Washington Globe, and such of the democracy as follow its bidding, class the Evening Post with what journals they please, and despitefully use us to any extent that their malignity prompts, we shall be found, nevertheless, always in the thickest of the fray, doing battle with all our soul and strength and understanding, under the democratic banner first unfurled by our fathers on the fourth of July 1776, the glorious motto of which is THE EQUAL RIGHTS OF MANKIND !

THE COMMITTEE AND THE EVENING POST.

[From the Evening Post, Oct. 10, 1835.]

THE General Committee have at last fired off their big gun which they have been a long time past engaged in loading. We are not utterly exterminated by it, that is certain. We live and breathe and have our being, notwithstanding this *brutum fulmen* has been launched at us. Let us pick up the spent bolt, and exhibit it to our readers. Here it is :

DEMOCRATIC REPUBLICAN GENERAL COMMITTEE.

“ At a regular meeting of the Democratic Republican General Committee, held at Tammany Hall, on Friday evening, the 9th day of October, 1835, the following preamble and resolution were adopted :

“*Whereas*, The course of the Evening Post, in continuing to discuss the Abolition question, in our opinion, meets the decided disapprobation of the Democracy of the City and County of New-York, and of an overwhelming majority of the people of the North, and is decidedly contrary to the expressed opinion and views of this Committee; and whereas, the manner as well as the matter of its publications upon that question, are in our opinion dangerous to the peace and safety of the good people of the South, our brethren in the family of this great Republic:—Therefore,

“*Resolved*, That the proceedings of the Democratic Republican General Committee be no longer published in the Evening Post, and that this Resolution be signed by the Chairman and Secretary, and published in the Times, Truth Teller, Jeffersonian, and the German paper, the New-York Gazette.

“DAVID BRYSON, Chairman.”

“EDWARD SANFORD, Secretary.”

Circumstances prevent us to-day from occupying any considerable space with comments on the foregoing extraordinary proceedings. It is not necessary that we should do so. The preamble and resolution carry on their face, stamped in characters which he who runs may read, and he who reads must despise, full evidence of the most cringing and dishonest spirit which has dictated this proceeding. This paper is proscribed—for what? For having deserted democratic principles? No. For any act of infidelity to the great cause of the people? No. For having slackened in its zeal or industry to promote the diffusion of the doctrines taught and illustrated by Jefferson and Jackson? No. It is proscribed *for being free*, and for persevering in its undoubted right of *free discussion*. It is proscribed for considering the

poor negro a man and a brother ; for deploring the hard fate which binds nearly three millions of native Americans in galling, endless, hopeless servitude ; for deploring this partly on account of the unhappy and degraded wretches themselves, but more on account of those who hold them in bonds ; for deploring it on account of the prejudicial influence which slavery exercises on the morals of a people, for the manifold vices which it fosters, and for the paralysing effect which it has on enterprise and industry in every walk of life. This is the reason why we are proscribed.

But is not the question of abolition a party question ? No. Is it not one over which the General Committee have legitimate cognizance ? No. It is a question too wide to be infolded in the narrow span of party : it is one which they whom the Committee represent never thought of submitting to their action. As well might that committee designate the religious creed of the democratic newspapers, and withdraw their countenance from all such as believed more or less than should be established as the true measure of piety by their standard, as to proscribe a newspaper, because, on a question of universal philanthropy, it takes a side different from that which a majority of the community have espoused.

But though the question of abolition is not a party question, yet the discussion of the subject, it is thought, may exercise an unfavourable influence on the interests of Mr. Van Buren at the South. It hence becomes the policy of short-sighted and knavish partizans, who are ever ready to sacrifice the right to the expedient, not knowing that in the eyes of true philosophy they are identical, to hush up a discussion which may disaffect the slaveholder from a northern candidate for the office of President. Not being able to hush the *Evening Post*, which decides for itself, wholly independent of dictation

or control from any quarter, or on any subject, what to speak, and when to speak, and when to hold its peace, the next best thing to be achieved is to excommunicate it from the pale of the democratic party, and thus show the slaveholders that no advocate for universal emancipation—no journal which has a real veneration for the glorious declaration that *all men* are born with certain unalienable rights, among which are life, liberty, and the pursuit of happiness,—is counted, at the north, as belonging to the democratic party !

The day will come, nor is it far off, when those who compose the majority of the present General Committee will blush for their proceeding of last night. Let Mr. Van Buren be elected through the base, paltry, truckling policy which his friends are exhibiting ; and before his administration terminates he will have reason to lament that his northern supporters had not more strictly guided themselves by the only true rule of action, in politics as well as in ordinary affairs of life, *that honesty is the best policy*. Should Mr. Van Buren succeed by keeping down the slavery discussion for a while, it will only break forth with renewed violence after he is elected, and make his whole term of office one scene of rude commotion and perplexity. The question must sooner or later be met, and met boldly. No northern president can ever guide the affairs of this great nation in peace while slavery exists. The discussion at the south has been got up at the present time, in some measure, no doubt, by nullifiers and heated opponents of Mr. Van Buren, for the purpose of defeating his election. But the question, whenever raised, and for whatever object, should always be promptly and boldly met by the presses and the people of the north.

Such, at all events, being our opinion, we shall continue to discuss the momentous topic, notwithstanding

the proscription of the General Committee, and with zeal neither inflamed nor abated by that extraordinary proceeding.

FREE FERRIES AND AN AGRARIAN LAW.

[*From the Evening Post, Oct. 10, 1835.*]

THE American, some few days since, in an editorial article, expressed itself in favour of the establishment of free ferries at the public expense. A correspondent of that paper, a day or two afterwards, proposed the establishment, at the public expense, of free carriages to carry people about the city. Both propositions were serious, not ironical. We have not the papers at hand in which they were contained, but believe we do not mistake the purport of the two articles. Now it seems to us that, the epithet *agrarian*, which the American has sometimes applied to this journal, was never so much deserved by any political theory we have advanced, as it is by that paper for the projects referred to. Let us confine ourselves, however, to that which was editorially asserted, namely, the one relative to free ferries, for which we may justly hold the American responsible. This, we certainly think can be demonstrated to be *agrarian*, according to the sense in which that term is employed by politicians of the present day.

The agrarian law of Rome was a law to provide for the equitable division of conquered lands among those who conquered them. It was not altogether unlike our laws for the distribution of prize money ; though far more just than they, according to our recollections of its provisions. But the charge of agrarianism, as applied reproachfully at the present day to the radical democracy, imputes to them a desire to throw down the boundaries of private

right, and make a new and arbitrary division of property. This charge so far as relates to this journal, and so far, as we sincerely believe, as it relates to any considerable number of individuals, of any name or sect, in our country, has no foundation in truth. Of our own political doctrines we can truly say that they are in every feature the very opposite of agrarianism. They rest, indeed, on the basis of inviolable respect for private right. We would not have even the legislature take private property, except for the public good, directly, not incidentally; and then only in the clearest cases, and by rendering the most equitable compensation. We would never have it delegate that power to any private corporation, on the ground that the public good would be incidentally promoted by the doings of such a body.

But the American, in becoming the advocate of free ferries, leans to agrarianism, in the popular and justly odious sense of the word. It takes the property of A. and gives it to B. It proposes to bestow a valuable gratuity on such persons as have occasion to use the ferry, and pay for this gratuity, for the most part, with money filched from the pockets of those who never step foot in a ferry-boat. Is this not clearly unjust? Is it not to some extent, an agrarian scheme?

The American may answer us that it is but an extension of the same power, the rightfulness of which nobody ever calls in question, which is exercised by all municipal corporations in constructing streets at the public expense, for the gratuitous accommodation of all who choose to use them. Even this power in its nature is agrarian, and is submitted to by universal assent, not because it is right in principle, but because its conveniences overbalance the theoretic objections. But there is a point where the objections equal the conveniences, and to insist on any scheme which lies beyond that point, is to

run the risk of being called, with justice, agrarian. Every body has more or less occasion to use the streets ; and therefore every body ought to contribute towards the expense of making and preserving them. This expense is taken out of the general fund derived from taxes. The burden of taxes falls, directly or indirectly, on every body, and if not in the precise proportion of relative advantage from the use of the streets, still the difference is too slight to awaken complaint. But the case is widely different with regard to ferries. Thousands of citizens never use them at all ; yet according to the agrarian scheme of the American, they would be required to pay as much for supporting them as those who cross the river a dozen times every day. They would find their advantage, the American might argue, in the greater cheapness of market commodities, the increased number of customers to the city traders, and the general improvement of the city. But this advantage would not be diffused equally, and whatever is done by legislation should tend to the equal benefit of all.

But where would the American stop ? If free ferries are of advantage, why would not free markets be also ? And free warehouses ? And free dwelling houses ? And free packet ships ? And in short free from every thing ? The arguments by which alone the American can support its theory of free ferries, are equally pertinent and cogent in defence of a literal *commonwealth*. Who would have thought to see the American turn so ultra an agrarian ?

Now, our theory with respect to ferries is liable to no such objections. It is precisely the same as our theory with respect to banks, with respect to railroads, and with respect to every other branch of trade and enterprise. Our theory is the free trade theory. It is simply to leave trade alone to govern itself by its own laws. Ferries are as much a matter of trade, as Broadway stages, or Broad-

way shopkeeping. Leave the subject open to unrestricted competition. Leave men to run boats where they please, when they please, and how they please, with no other restraint upon them than such municipal regulations as may be requisite for the preservation of public order—some simple rules, such as “turn to the right, as the law directs.” When this course is pursued, we shall have ferry boats where they are wanted, and as many as are wanted, and no more. People will not run more boats than yield a fair profit on investment, and where competition is free there will certainly be as many. The ferries, then, between New-York and Long Island, and between New-York and New-Jersey, will be as well conducted, and as well supplied with boats, as are the ferries now between New-York and Albany.

This is our scheme : how does the American like it ? The difference between us is that we are for leaving ferries to the regulation of the laws of trade ; the American is for controlling them by Agrarian law.*

FANCY CITIES.

[*From the Evening Post, Sept. 14, 1836.*]

A TRAVELLER, once, in Indiana, on setting out early one morning from the place where he had passed the night, consulted his map of the country, and finding that a very considerable town called Venice, or Verona, or Vienna, or by the name of some other European city, beginning with a V, occupied a point on his road but some

* It may be proper to state again here what has been already noticed in the Preface, that Mr. Leggett was attacked by a very severe and protracted illness in October 1835. He did not return to the paper till the fall of the next year.

twelve or fifteen miles off, concluded to journey as far as that place before breakfast. Another equally extensive town, bearing as sounding a name, was laid down at a convenient distance for his afternoon stage; and there he proposed halting for the night. He continued to travel at a good round pace until the sun had attained a great height in heaven, and until he computed that he had accomplished more than twice or thrice the distance which he proposed to himself in the outset. His stomach had long since warned him that it was time to halt, and his horse gave indications which plainly showed that he was of the same opinion. Still he saw no town before him, even of the humblest kind, much less such a magnificent one as his map had prepared him to look for. At length, meeting a solitary wood-chopper emerging from the forest, he accosted him, and inquired how far it was to Vienna. "Vienna!" exclaimed the man, "why you passed it five and twenty miles back: did you not notice a stick of hewn timber and a blazed tree beside the road? That was Vienna." The dismayed traveller then inquired how far it was to the other place, at which he designed passing the night. "Why you are right on that place now," returned the man; "it begins just the other side of yon ravine, and runs down to a clump of girdled trees which you will see about a mile further on the road." "And are there no houses built?" faltered out the traveller, who began to suspect that, as the song says—

"The heath this night must be his bed."

"Oh, no houses whatsoever," returned the woodman; "they hewed and hauled the logs for a blacksmith's shop, but before they raised it the town lots were all disposed of in the eastern states, and every thing has been left just as you now see it ever since."

It is pretty much in the same way that things are left, at the present time, in this portion of the country. If any one should make a map of the lands lying within the compass of some thirty or forty miles from this city, and embrace in it all the improvements, projected as well as actually existing, the spectator, who does not know the true condition of the country, would be astonished at the appearance of dense population which it would present. Cities, towns and villages would be represented as lying scattered around him at every step. The intermediate slips of unoccupied ground would seem hardly large enough even to furnish pasture for the stray cattle of the surrounding towns, much less to supply their inhabitants with all the necessary products of agricultural consumption. We hear no more, now-a-days, of a farm being sold, as a farm, in the vicinity of the city. The land is all divided into lots of a hundred feet by twenty-five ; and it would seem as if, in the visions of speculators, a dense city must soon extend from the Atlantic ocean to the lakes, and from the Hudson river to the borders of Connecticut.

One of the most curious circumstances connected with the universal rage for speculation is the exceeding gullibility of the people. No scheme seems to be too vast to stagger their credulity. The most impracticable plans are received as easy of accomplishment, and the most stupendous projects are entered upon with undoubting confidence, as if they were "trifles light as air." The thought obtrudes itself, apparently, into no man's mind, that there is a stopping place where all this rapid motion must cease—that the machine, urged to too great velocity, will at last fall to pieces. No one seems to anticipate that there must come a time when the towering fabric which speculation is building up, grown too huge for its foundation, will topple on the heads of its projectors, and

bury them in its ruins. Every one acts as if there were no fear that the explosion would take place while he is in danger. Each one stretches out his hand to grasp his share of the gambler's spoils, without any idea that, like fairy money, it may turn to worthless rubbish in his hands. A general infatuation has siezed the minds of the community, and each one grows wilder in his lunacy from listening to the ravings of those around him.

In the meanwhile the speculators would indeed seem to have discovered the Midas art. Their touch turns every thing to gold. They are all getting rich. One buys the refusal of a farm for a vast deal more than it is intrinsically worth. He sells it to another for a large advance, before the term of payment has arrived. The second sells it to a third, the third to a fourth; and in this way it probably passes through a dozen hands, before the first instalment of the original price is paid. Each successive purchaser fancies himself rich, and the one into whose possession the property falls last has magnificent plans in prospect, and thinks that he is richest of all. But pay day must come, and come ere long, we fear, to many an unprepared speculator, and rudely wake him from his dream of fancied wealth.

The vast and sudden increase which the paper money circulation of this country has undergone within the last eighteen months is the cause of the feverish thirst of riches which the community now exhibits; and whatever shall check that circulation, and turn it back upon the banks, will arrest the disease, but arrest it with a violence that to many will prove fatal, and give a fearful shock to all. Paper money is, to the people of this country, the insane root that takes the reason prisoner; and they can be restored to sanity only by withholding such stimulating and dangerous aliment. As it now is, their appetite grows by what it feeds on. The demand for money in-

creases with each succeeding day ; and every new loan of bank credit but gives rise to new projects of speculation, each wilder and more chimerical than the last.

The effect of this pervading spirit of speculation (or spirit of gambling, as it might with more propriety be called, for it is gambling, and gambling of the most desperate kind) on the morals of the community is dreadful. Its direct and manifest tendency is to blunt men's moral perceptions, and accustom them by degrees to arts and devices of traffic which an honest, unsophisticated mind would shrink from with horror as frauds of the most flagitious dye. It creates a distaste for the ordinary pursuits of industry ; it disinclines the mind from gradual accumulation in some regular vocation, and kindles an intense desire, like that expressed in the prayer of Ortogal of Basra, " Let me grow suddenly rich !" To this gambling spirit of the age we may directly trace the most of those prodigious frauds the discovery of which has recently startled the public mind. " Startled the public mind," did we say ? The phrase is wrong. The public were not startled. They heard the stories with the most stoical indifference ; and if any exclamations were uttered, they conveyed rather a sentiment of commiseration for the criminals, than one of detestation for their stupendous crimes.

But the day of the madness of speculation is drawing to a close. The time must come, nor can it be remote, when some financial or commercial revulsion will throw back the stream of paper circulation to its source, and many a goodly vessel, which had ventured too boldly on the current, will be left by the reflux stranded on its shores. Circumstances may yet defer the evil day for awhile, but it cannot be far off. A failure of the cotton crop, a slight reduction of prices in Europe, or any one of the thousand contingencies to which trade is perpetu-

ally liable, will give a shock to the widely expanded currency of the country, which will be felt with ruinous force through every vein and artery of business. Wo unto them in that day who do not now take timely caution. Their cities and towns and villages, which they are now so fertile in planning, as if they thought men might be multiplied as rapidly as paper money, will remain untenanted and desolate memorials of their madness, and the voice of sorrow and mourning, instead of the din of present unreal prosperity, will be heard through the land.

COPY RIGHT LAW NO MONOPOLY.

[*From the Evening Post of Sept. 27, 1836.*]

SOME of the newspapers, we perceive, are treating the subject of a copy-right law, as if such laws were grants of monopolies, and rested on precisely the same principles with enactments conferring exclusive trading privileges, as banks, insurance companies, and the like. This is a very erroneous view of the matter. A copy-right law instead of being a monopoly, is the very reverse. A monopoly is a legislative grant, to an individual or association, of exclusive or peculiar privileges or immunities denied to the rest of the community. A copy-right law, on the other hand, confers no new privilege or immunity, but absolutely takes away a portion of an author's right of property in a work of his own creation, and renders no equivalent, except the mere guarding the remainder with some special provisions.

It would be far more proper to call the laws securing to men their rights of property in land monopolies, than those which protect authors and inventors in the productions of their intellectual industry and ingenuity. The rights of property in land are not natural rights. By

nature, we are all heirs in common of the earth, as well as of the air and ocean. The origin of individual rights of territory may all be traced, either to the lawless rapacity of might, or the arbitrary enactments of incompetent legislative authorities. The letters patent of an ignorant monarch have granted away a whole continent to the discoverers, though that continent was already in the occupation of numerous tribes of human beings. Such grants may with some propriety be called monopolies.

But an author's right of property in his productions rests on a juster basis. In all ages and all nations of the world, the right of an individual to the creations of his own labour or skill have always been considered sacred. Even the Indians, who hold their hunting grounds in common, and admit of no arbitrary divisions or appropriations of territory among the members of their tribes, respect each other's exclusive claim to the creations of their own efforts, to that species of property which owes its value to individual labour and skill. Thus the red hunter, who ranges free over the face of the earth, who would spurn the idea of being shut in by fences, and mock the claims of personal possession; yet respects the rights of his fellows in their bows and arrows, which they shape from the reeds and saplings; in their wigwams, which they construct of the trees of the forest; and in the wampum and moccasins, which are woven by their own ingenuity. On the same basis rests an author's right of property in the book which he draws from the resources of his mind, and prepares with labour both of the hand and the head. On the same basis, also, rests the right of the inventor to the productions of his ingenuity. These are natural rights, not rights created by law; not rights growing out of kingly grants, or the preponderance of might over justice.

But society, to promote the benefit of the mass, deprives the individual of this inherent natural and perpetual right, after a limited period of time; and the only consideration which it renders in return for the usurpation, is to guard him in the exclusive possession and advantages of his property for the short space he is permitted to retain it. In doing this, however, it does no more for the author, than it is its duty to do for the possessor of every species of property, the grand object for which all government is framed, being to protect men in the peaceful enjoyment of life, limb and property. To the author and inventor, then, the law grants no exclusive privilege but curtails them of a natural right—limits them to a few years in the possession of property wholly created by themselves, to which, without such limitation, their claim would be of the same enduring character, as the mechanic's is to the results of his skill, or the farmer's to the products of his industry. Such being the facts, is it not manifestly absurd to call the copy-right law or the patent-law a monopoly?

THE FIRE DEPARTMENT.

[*From the Evening Post, Sept. 28, 1836.*]

OUR paper, yesterday afternoon, contained gratifying evidence of such prompt and active public spirit, on the part of a portion of our fellow-citizens, in relation to the condition in which the community are placed by the recent unworthy conduct of a great number of the firemen, as affords strong assurance that, in the event of a conflagration, adequate efforts will be made to extinguish it. Volunteer companies, by the spontaneous and energetic action of the highly respectable men composing them, have been already formed to take charge of the engines

-deserted by their former crews. These new companies including among them citizens whose heads are blanched with years, come forward with an honourable pledge, that they will unite cordially with the Fire Department, rendering all the assistance in their power to extinguish whatever fires may occur, and discharging the duties which may be assigned to them with alacrity and subordination.

Among those who have distinguished themselves in this manner, and earned the thanks of their fellow-citizens, we notice the proceedings of a meeting in the fourth ward, composed, in part, of old firemen, exempt from further duty by reason of their having performed the term of service required by law. At the head of these is Mr. Daniel Berrian, who officiated as Chairman of the meeting. Mr. Berrian is an old and respectable inhabitant of the fourth ward, a man in affluent circumstances, and considerably advanced in years. Yet, after a life of useful toil, he does not hesitate to come forward in his old age, to resume the arduous duties of a fireman, from which he long since exempted himself by a full and active discharge of all the required services, and to rebuke, by his example, the concerted rebellion of those who, from dissatisfaction with the Common Council, whether well or ill founded, did not hesitate to leave, as they thought and hoped, the city defenceless against its most dangerous scourge. Such conduct as Mr. Berrian and his associates display, richly deserves the approbation of the community, and stands in noble contrast with that of the recusant firemen.

We see it stated in some of the newspapers that a portion of the firemen who have abandoned their places assembled at the fire yesterday, at the corner of Anthony and Centre-streets, and not content with having withdrawn their own aid from the Fire Department, attempted

to frustrate the exertions of others, who were not disposed to see the city again desolated by a conflagration. Some of the ringleaders in this most wicked riot were apprehended, and are now in close custody. We trust that no mistaken views of policy or false sympathy may lead to their enlargement till they have been made the subject of exemplary punishment. Let not those laws, which the tribunals are ready enough to enforce against a combination of poor journeymen tailors, who had no worse object in view than to coerce their employers into the payment of increased wages, now lie a dead letter, when a more formidable combination is committing outrages which tend directly to the overthrow of all security both of property and life.

It is most earnestly to be hoped that the opportunity presented by existing circumstances, in relation to the means possessed by the city for the extinguishing of fires, will be turned to its best use in the total revision and reformation of the system which has heretofore been in use. The public attention is now directed with strong interest to the subject, and the public sense demands the adoption of some plan which will not subject the city to be exposed a prey to unresisted conflagration, whenever a capricious body of volunteers shall find or fancy cause of offence in the proceedings of the municipal authorities.

There is no reason, that we are aware of, why the firemen should not be a regularly organized corps of paid men, enlisted by the City Government for a fixed period, and subject to coercive regulations. The protection of the lives and property of the citizens against conflagration is as legitimate an office of government, as their protection against the midnight robber and murderer, or against any of those disorders for which the police is instituted. As well might our marshals and constables, or the watchmen who guard our streets at night, or any

other class of men who render a laborious public service be composed of persons doing volunteer duty, as the firemen. And as well might they, for rendering such service, be exempted, like the firemen, from the list of jurors. It might then happen that the Common Council, by some appointment or removal, or some other act, performed with a single view to the public good, should give offence, simultaneously, to a leading or popular watchman, fireman, and police officer. In what condition would the city be left, if, in consequence of a rebellious combination, it should at once be stript of all its defences against fire, robbery, tumult and secret crime ?

If the duty of the Fire Department were entrusted to a duly organized corps of men, compensated for their services with a sufficient stipend, and subject to frequent drills and trainings, and all the proper measures of discipline, we should have, in the place of a riotous and licentious body, one that would act with both celerity and decorum, and, in discharging their duties, no further interrupt the quiet of the city than would be inevitable from the nature of the service they perform. The shrieks and shouts and hoarse bellowings, from a hundred clamorous throats, which now accompany every engine, and scare sleep from the lids of the startled inhabitants far around, would then be heard no more ; and nothing but the rattling of the wheels, and the necessary words of command from duly appointed officers, would break in upon the stillness of the night.

There is one consideration connected with this subject to which we briefly alluded a few days ago, and which, we think, deserves the attention of the public authorities : the improper character of the immunity extended to the firemen in exempting them from duty as jurors. Whatever diminishes the list of respectable persons liable to render that important service to the community, impairs,

in some degree or other, the validity of the great bulwark of our rights—the trial by a jury of twelve peers, taken promiscuously from the whole body of citizens. In a new organization of the Fire Department, it is to be hoped no such privilege will be admitted.

WOOD INSPECTION.

[*From the Evening Post, October 6, 1836.*]

A GENTLEMAN of this city, not long since, having occasion to cut down the trees upon a piece of woodland which he owned at a short distance in the country, concluded to send them to his town-house, in his own farm waggon, and deposit them in his cellar for his winter fuel. He was met on the way by one of that army of municipal officers, called wood-inspectors, who forbade him to proceed until the loads were inspected, the number of cords ascertained, and the amount of the inspection-fees paid. It was in vain that he remonstrated, telling the man that the wood was from his own farm, for his own use, and conveyed to the city in his own vehicle. The inexorable inspector turned a deaf ear to all his arguments, and only reiterated, “my fees! my fees!” And it was only on paying the fees, and having his wood duly measured, that the gentleman was permitted to proceed on his way. This is only one of numerous illustrations we might give of the beauties of that system of taxation which forces people to pay enormous duties on the prime necessities of life for the support of an idle and useless herd of office-holders.

There never was a more gratuitous and tyrannical imposition on the community than those municipal laws which make it obligatory on every citizen to employ a public officer to measure his wood and weigh his coal.

We have no objection that there should be public weighers and measurers for those who choose to employ them, for those who have not confidence enough in the persons with whom they deal to trust to their honesty, or who are too indolent or too busy to attend to their own business. These may make use of inspectors in welcome, and pay them their fees, or what sum they think proper, for their services. But we do contend against that principle of legislation, which, for the accommodation of these distrustful or indolent people, imposes on the whole public the obligation to pay an equal sum for services they would much rather dispense with. We ourselves, for example, stand in no need of any such intermediary agency. We can trust the dealer from whom we purchase our coal and wood, or otherwise we can stand and see that due weight and measurement are given, and do not thank any corporation officer to meddle with our affairs, and demand a fee for his interference.

The aggregate amount of this unjust tax in this city is very great, and the burden falls very heavily on some classes of the community. Why should it not be at once repealed? Can any one give any good reason why our wood and coal inspection laws should not be effaced from the statute book? Is there a single class of persons, save only the office-holders themselves, who fatten on these spoils of a rifled community, that would have the least reason to complain of such an abrogation? Would not the citizens at large, rich and poor, be benefited by the rescinding of those absurd enactments? There can be but one answer to these questions. Would that the Common Council could be induced to act according to the purport of that reply.

CAUSES OF FINANCIAL DISTRESS.

[*From the Evening Post, October 24, 1836.*]

THE financial storm long since predicted by this journal has at last commenced in good earnest, and begins now to be severely felt. For a considerable time past a pressure for money has been experienced in this metropolis, and within a few days it has increased to a degree which has made it the subject of general conversation and complaint. Men now perceive that their projects, sustained on the airy basis of too widely extended credit, are in danger of sudden ruin. A sense of general insecurity is awakened, and alarm and consternation are taking the place of that fool-hardy spirit of speculation, which, but a little while ago, kept hurrying on from one mad scheme to another, as if it possessed the fabled art of turning all it touched into gold. A commercial revolution has commenced, and we fear will not terminate, till it has swept like a tornado over the land, and marked its progress by the wrecks scattered in its path.

It is always to be expected in this country, when any thing occurs to create extensive dissatisfaction, that newspaper writers, on one side or the other, will strive to turn it to the uses of party; and we accordingly find, in the present instance, that the opposition journals seize the subject of the financial difficulties as a theme for declamation against the government, and ascribe all our pecuniary embarrassments to the mal-administration of public affairs. Some, with singular contempt for the understanding of their readers, deal in mere generalities, and, in all the worn out common places of the political slang vocabulary, denounce the administration as composed of a set of ignorant "tinkers of the currency," or fraudulent speculators, who interfere with the financial arrangements

of the country, for the purposes of private gain, perfectly regardless of the wide-spread ruin they may occasion. In the same spirit they call upon the merchants to close their stores and counting-rooms, and go out into the streets as political missionaries, devoting themselves exclusively, for the next twenty days, to the business of electioneering, with a view of putting down a corrupt administration, which is forever trying high-handed experiments with the currency, and obstructing the sources of commercial prosperity. The day has been when the mercantile men of this community suffered themselves to be inflamed by such appeals, and acted in pursuance of such advice. But we trust that day is past, never to return.

Another portion of the opposition papers, with more respect for the intelligence of their readers, endeavour to fortify their charges against the administration by explaining the mode in which they conceive it to be the author of the present difficulties. By some of these, all the embarrassments of the money market are traced to the order of the Treasury Department, requiring payment for public lands to be made in specie. This may do very well as a reason to be urged by those wise journalists who are ever ready to shape their political economy to the exigencies of party ; but will hardly satisfy readers of so much intelligence as to demand that the cause shall be adequate to the effect. Any one who will give the slightest attention to the statistics of the land sales, and who will reflect what a vast amount of purchase an inconsiderable sum in specie will pay, in its necessarily constant and rapid circulation from the land office to the neighbouring bank, and from the bank back to the land office, must be perfectly satisfied that the regulation in question cannot have had any perceptible effect in producing the general financial pressure now experienced.

There is a third class of opposition writers who, like

the others, imputing all the difficulties to the administration, yet find out an entirely different and much more adequate cause. These impute it entirely to the Treasury orders, issued to various banks in different parts of the Union against the public funds collected on deposit in the banks of this city. By the natural course of trade, New-York is the great money market and storehouse of bullion for the entire confederacy. At this port, four-fifths of the whole revenue of the country are collected, and would here accumulate, affording a substantial basis of credit and reciprocal accommodation to those who pay it, were it not for that "tinkering with the currency" which subverts the natural order of things. To this extent we sincerely go with those who are declaiming against the government. We agree with them that the condition of affairs, as established by the laws of trade, is deranged by government interference, and that the *treasury orders*, which have the effect to cause a sudden dispersion of the public funds accumulated in this city, and to drain the specie from the vaults of our banks, sending it hither and thither, and for a time, entirely destroying its use, as a foundation of commercial credit, are the immediate cause of the prevailing distress. So far, the opposition writers have our concurrence; but not one step beyond, because, further than this, they are not supported by truth. Let us look calmly at the facts, and see where justice must attach the blame.

The complaint is, that Mr. Woodbury, directed perhaps by the Executive, issues Treasury Orders to banks at various distant points, which they present to the banks in this city, in many cases demanding specie, thus compelling those institutions suddenly to retrench, and spreading consternation and ruin among the merchants. The banks themselves, it is further affirmed, if payment of these orders should continue to be demanded in specie, will soon be exhausted of every metallic dollar, and obliged

to suspend the redemption of their notes. We very much fear that there is no exaggeration in all this. But where lies the blame? We are not content to stop at Mr. Woodbury, and shower undeserved obloquy upon him. We cannot charge it to General Jackson; for we have no warrant for believing he would assume such a fearful responsibility. We go further than this: we go to the laws of the last Congress: we go to those enactments which make it obligatory on the Treasury Department to act as it is acting; which leave it no discretion; which compel it to derange the currency, to break up the foundations of commercial credit in this great city, and create all the wide-spread distress which, in the end, must result from the proceeding. One step further will show us the origin of those laws; and there we behold the very men who are now the loudest and angriest declaimers against these consequences: the very party which is endeavouring to convert them into a fatal weapon against their opponents. To the act regulating the deposits of public money, *and more particularly, to the supplementary act, passed on the last legislature day of the session, we impute all the mischief.*

Both these acts were conceived, and matured, and carried into effect by the opposition, aided by such administration members as they could deceive with the illusory promises of advantage which the measures held out to the spirit of sectional rapacity. They considered their carrying them a great party triumph. They had public rejoicings on the occasion, with discharges of artillery, bonfires, and all the etceteras of such electioneering pageants. They now behold the result, or rather *the commencement of the end.* The fruit is of the tree of their planting; if it is bitter, they have themselves to thank. Bad as it is, we fear that worse—much worse is yet to come.

We assert that the Secretary of the Treasury cannot possibly act otherwise than he is now acting. He doubtless sees, and knows, and laments, the consequences of the orders issued from his department; but he has no power to withhold them. The President of the United States has no power to forbid their being issued. It is done in plain pursuance of the positive provisions of the Deposit Law and its supplementary rider—laws devised by the aristocracy, carried by the aristocracy, rejoiced at by the aristocracy. Fain would the President have interposed his Veto, but they were made to assume such a shape as obviated the constitutional objection, and, in the delusion of the moment, too many of the democratic party had joined their opponents to render such a step of any avail. The bills were signed—signed with a strong presentiment, or rather a clear foresight of the evils they would occasion; and the event affords another forcible illustration of the sagacity of that great man whom the people, in happy hour, selected to guide the affairs of state. Other warning voices foretold the ruin that would ensue. The views of Mr. Van Buren were well known at the time, and were immediately after very clearly expressed. In the House of Representatives Mr. Cambreleng raised his admonitory voice, and predicted the very state of things which now exists. But all in vain. The opposition drowned remonstrances with clamour. They won to their side sectional politicians by the hopes which they excited of local advantages. They carried the measure; and now they experience its effects. Not they only, unfortunately; but those who opposed, as well as those who supported the mad, corrupting scheme. The whole people feel the effects, and are doomed to feel them with far greater intensity before many months are past.

The supplementary law to which we have alluded ren-

ders it the duty of the Secretary of the Treasury to make “transfers from banks in one State or Territory to banks in another State or Territory, *whenever such transfers may be required*, in order to prevent large and inconvenient accumulations in particular places, or *in order to produce a due equality and just proportion, according to the provisions of said act*”—namely, the Deposit Act. The “due proportion and just equality” required by the provisions of that act, is a division, on the first of January next, of the surplus revenue among the states in proportion to their respective representation in the Senate and House of Representatives of the United States; and, in the meanwhile, the Secretary of the Treasury is directed to make transfers from state to state, according to that scale of distribution, and not to suffer to remain in any one deposit bank an amount exceeding three-fourths of its capital. Thus this wise law obliges him to stand in a posture of perpetual vigilance, and keep carting the public money about from bank to bank, the moment the course of business places in any institution a single dollar beyond the limitation of the law. The evil, then, springs from the law and those who made the law, and not from the Secretary of the Treasury.

As for the fact that specie is demanded of the banks in New-York in payment of the Treasury orders, the opposition have again only their own party to thank. It is a notorious fact that a majority of the several directors of nine-tenths of the banks in the United States are members of the opposition. The Treasury orders are issued in the usual form, and it is left entirely discretionary with the banks in whose favour they are issued to make such arrangements with the banks on which the orders are drawn as shall be most for the convenience and interest of all parties concerned. This is a matter with which the Secretary of the Treasury has, of right,

nothing to do. He is bound to act according to the invariable usage of the Department ; and if the opposition directors of a distant bank choose to demand specie of a New-York bank, for the purpose of embarrassing the institution, crippling its means of accommodating its customers, and thus spread confusion and panic through the community, we know of no way in which Mr. Woodbury can interfere to prevent the result. He but obeys the provisions of a law which clearly prescribes the mode in which he is to act. That he has every disposition so to discharge his imperative duties as to mitigate as much as possible the hardship of their necessary effect on the mercantile community, no man can entertain a reasonable doubt. He has expressed himself, as we see stated in the Journal of Commerce of this morning, ready to arrange the distribution of the surplus revenue in any manner, consistent with the law, which shall best subserve the interests of trade, and promote stability in the money market. That paper says, " no more drafts will be issued at present, and some already issued and transmitted to distant places, will be countermanded. It devolves on the deposit banks here, to point out to the Secretary the manner by which, in their opinion, the objects of the law can be most conveniently accomplished." But the immediate cause of the financial embarrassments is in the law itself, and the Secretary of the Treasury, execute its provisions in what mode he may, cannot prevent commercial distress. In the meanwhile, the condition into which the community are thrown by a few drafts upon our banks for specie, is a forcible illustration, added to the many which had been previously afforded, of the beauties of that banking system of exclusive privileges by which the people have so long suffered themselves to be oppressed.

But the first, great, and all important cause of the pe-

cuniary distress lies much deeper than any which the opposition papers assign. It is neither the Treasury order in relation to the public lands, nor the Treasury orders on deposit banks. These last have, at the very worst, but precipitated an evil, which, had no such orders been issued, or no transfers in any way made, could by no possibility have been long averted. It would have come next winter, and with a pressure greatly augmented by the delay. It would have fallen, like an avalanche, at the very season when revulsion is more fatal, because then the largest amounts of payments are to be made. The distribution law takes effect in January, and had not the necessity of complying with the conditions of the supplementary bill given the present harsh, but salutary check to speculation, the amount of credit, now so prodigiously inflated, would have been still further extended, and the shock of a sudden explosion would have been far more fearful and disastrous.

Without the distribution bill, even, a dreadful commercial revulsion could not long have been avoided. We were rushing on madly at a rate which could not long be continued. The first obstacle must have thrown us from our course, and dashed us to pieces. Look at the present state of the country. When did it ever before present such a spectacle of prodigiously distended credit? When did such a fever of speculation madden the brains of whole communities? When did all sorts of commodities bear such enormous prices? And when, at the same time, was there ever such vast consumption—such prodigality, wastefulness, and unthinking profusion? Is the treasury order the cause of this? Alas, it is one of its remote consequences. What filled your treasury to such overflowing, that some cunning politician was prompted by a consideration of the exuberance to devise the scheme of distribution? Speculation. What excited

that spirit of speculation? The sudden and enormous increase of bank capital, and the corresponding inflation of bank currency. In the last eighteen months alone *nearly one hundred millions of bank capital* have been added to the previous amount. Examine the following bank statistics, derived from sources believed to be accurate, and see how prodigiously and rapidly our system of bank credit has been swollen :

Aggregate capital of the Banks in the United States.

In the year 1811 the total amount was	\$52,600,000
1815	82,200,000
1816	89,800,000
1820	102,100,000
1830	110,200,000
1835	196,250,000
1836 (August)	291,250,000
Increase in <i>nine years</i> preceding 1820	\$49,500,000
Do. <i>ten years</i> 1830	8,100,000
Do. <i>six years</i> 1836	181,050,000

Who can look at this statement, and not feel convinced that the cause of the present financial distress lies deeper than treasury orders, whether in relation to public lands or public deposits? This enormous increase of bank capital in the last six years has been accompanied by a corresponding expansion of bank issues, and by a commensurate extension of private credits. The business of the country has been stimulated into most unwholesome and fatal activity. Circumstances, unlooked for, have occurred to aggravate the epidemic frenzy. The government has obtained the payment of long delayed indemnities from foreign powers; and new formed corporations have contracted large loans abroad. These sums, added to the product of our staples, have been exhausted by the excessive importations. Domestic speculation—speculation in the products of home consumption,

in land, in town lots, in houses, in stock enterprises, in every thing, has kept pace, step for step, with the inordinate increase of foreign trade. What is to pay all this vast accumulation of debt? It must come at last out of labour. It must come from the products of industry. We have been borrowing largely of the future, and have at last arrived at the point where we must pause, and wait for the farmer, the mechanic, and patient hewer of wood and drawer of water to relieve us from our difficulties.

Reader, take home to your bosom this truth, and ponder well upon it, it is the bank system of this country, our wretched, unequal, undemocratic system of special privileges, which occasions the difficulty we now begin to feel. It is not pretended that under the free trade system of credit, or under any system, commercial revulsions would not sometimes, and to some extent, take place. They are incident to the nature of man. Prosperity begets confidence; confidence leads to rashness; the example of one is imitated by another; and the delusion spreads until it is suddenly dissipated by some of those rude collisions, which are the unavoidable penalties of a violation of the laws of trade. But such fearful and fatal revulsions as mark the eras of the commercial history of this country, would not, could not, take place under a free trade system of banking.

It is when ignorant legislators pretend to define by law the limits of credit and shaking at one time with unnecessary trepidation refuse to enlarge them to the wants of trade, while at another they extend them far beyond all reasonable scope—it is when such “tamperers with the currency” attempt to control what is in its nature uncontrollable, and should be free as air, that revulsion, panic, and commercial prostration necessarily ensue. While we have restraining laws and specially chartered

banks, we shall have periodical distress in the money market, more or less severe, as the period has been hastened or delayed by accidental causes. Party writers may at one time lay every disorder to the removal of the deposits, and at another to a treasury order ; but whatever orders the Treasury may issue, the alternate inflations and contractions of the paper currency incident to such a pernicious system as ours will continue to produce their inevitable consequence, unwholesome activity of business, followed by prostration, sudden and disastrous.

We have exhausted our space for the present ; but shall have more to say on this subject another day. There are some prophetic passages in the speech of Mr. Cambreleng on the distribution bill last winter, to which we shall take an early occasion to ask the attention of our readers.

In the month of October or November, 1836, Mr. Leggett's connection with the Evening Post ceased, and with his usual activity he immediately undertook the establishment of the *Plaindealer*, which appeared in December of the same year. My remaining selections are made from the last named work.—*Ed.*

THE POLITICAL PLAINDEALER.

PREFATORY REMARKS.

[*From the Plaindealer, December 3, 1836.*]

THE first number of the PLAINDEALER was to be issued so soon after the announcement of an intention to publish such a journal, that it was not thought necessary to precede it with a very elaborate prospectus; the more particularly as the editor's connexion with the EVENING POST for eight years previous, during a considerable portion of which time that paper was under his sole direction, had made the public very generally acquainted with his views on all the leading questions of politics and political economy, and with his mode of treating those subjects. Instead of the swelling promises which usually herald a publication of this kind, it was therefore deemed better to let the work speak for itself, and to depend for its success, from the first, as we eventually must, on the intrinsic qualities by which it should be distinguished. The same reasons which obviated the necessity of a particular prospectus, suggest the propriety of indulging in but a brief preliminary address. The PLAINDEALER is now before the reader, and must speak for itself. There are always circumstances to be encountered at the outset of an undertaking like this which diminish the merits of a first number, and which therefore authorize us to express, with some confidence, a hope that future numbers may be better. We think we can at least safely promise that equal claims shall be maintained.

The title chosen for this publication expresses the character which it is intended it shall maintain. In politics, in literature, and in relation to all subjects which may come under its notice, it is meant that it shall be a **PLAINDEALER**. But plainness, as it is hoped this journal will illustrate, is not incompatible with strict decorum, and a nice regard for the inviolability of private character. It is not possible, in all cases, to treat questions of public interest in so abstract a manner as to avoid giving offence to individuals ; since few men possess the happy art which Sheridan ascribes to his Governor in the Critic, and are able entirely to separate their personal feelings from what relates to their public or official conduct and characters. It is doubtful, too, if it were even practicable so to conduct the investigations, and so to temper the animadversions of the press, as, in every instance, "to find the fault and let the actor go," whether the interests of truth would, by such a course, be best promoted. The journalist who should so manage his disquisitions, would indeed exercise but the "cypher of a function." His censures would be likely to awaken but little attention in the reader, and effect but little reformation in their object. People do not peruse the columns of a newspaper for theoretic essays, and elaborate examinations of abstract questions ; but for strictures and discussions, occasional in their nature, and applicable to existing persons and events. There is no reason, however, why the vulgar appetite for abuse and scandal should be gratified, or why, in maintaining the cause of truth, the rules of good breeding should be violated. Plaindealing requires no such sacrifice. Truth, though it is usual to array it in a garb of repulsive bluntness, has no natural aversion to amenity ; and the mind distinguished for openness and sincerity may at the same time be characterized by a high degree of urbanity and gentleness. It

will be one of the aims of the Plaindealer to prove, by its example, that there is at least nothing utterly contrarious and irreconcilable in these traits.

In politics, the Plaindealer will be thoroughly democratic. It will be democratic not merely to the extent of the political maxim, that the majority have the right to govern; but to the extent of the moral maxim, that it is the duty of the majority so to govern as to preserve inviolate the equal rights of all. In this large sense, democracy includes all the main principles of political economy: that noble science which is silently and surely revolutionizing the world; which is changing the policy of nations from one of strife to one of friendly emulation; and cultivating the arts of peace on the soil hitherto desolated by the ravages of war. Democracy and political economy both assert the true dignity of man. They are both the natural champions of freedom, and the enemies of all restraints on the many for the benefit of the few. They both consider the people the only proper source of government, and their equal protection its only proper end; and both would confine the interference of legislation to the fewest possible objects, compatible with the preservation of social order. They are twin-sisters, pursuing parallel paths, for the accomplishment of cognate objects. They are sometimes found divided, but always in a languishing condition; and they can only truly flourish where they exist in companionship, and, hand in hand, achieve their kindred purposes.

The Plaindealer claims to belong to the great democratic party of this country; but it will never deserve to be considered a party paper in the degrading sense in which that phrase is commonly understood. The prevailing error of political journals is to act as if they deemed it more important to preserve the organization of party, than to promote the principles on which it is

founded. They substitute the means for the end, and pay that fealty to men which is due only to truth. This fatal error it will be a constant aim of the Plaindealer to avoid. It will espouse the cause of the democratic party only to the extent that the democratic party merits its appellation and is faithful to the tenets of its political creed. It will contend on its side while it acts in conformity with its fundamental doctrines, and will be found warring against it whenever it violates those doctrines in any essential respect. Of the importance and even dignity of party combination, no journal can entertain a higher and more respectful sense. They furnish the only certain means of carrying political principles into effect. When men agree in their theory of Government, they must also agree to act in concert, or no practical advantage can result from their accordance. "For my part," says Burke, "I find it impossible to conceive that any one believes in his own politics, or thinks them to be of any weight, who refuses to adopt the means of having them reduced to practice."

From what has been already remarked, it is matter of obvious inference that the Plaindealer will steadily and earnestly oppose all partial and special legislation, and all grants of exclusive or peculiar privileges. It will, in a particular manner, oppose, with its utmost energy, the extension of the pernicious bank system with which this country is cursed; and will zealously contend, in season and out of season, for the repeal of those tyrannous prohibitory laws, which give to the chartered money-changers their chief power of evil. To the very principle of special incorporation we here, on the threshold of our undertaking, declare interminable hostility. It is a principle utterly at war with the principles of democracy. It is the opposite of that which asserts the equal rights of man, and limits the offices of government to his equal

protection. It is, in its nature, an aristocratic principle ; and if permitted to exist among us much longer, and to be acted upon by our legislators, will leave us nothing of equal liberty but the name. Thanks to the illustrious man who was called in a happy hour to preside over our country ! the attention of the people has been thoroughly awakened to the insidious nature and fatal influences of chartered privileges. The popular voice, already, in various quarters, denounces them. In vain do those who possess, and those who seek to obtain grants of monopolies, endeavour to stifle the rising murmur. It swells louder and louder ; it grows more and more distinct ; and is spreading far and wide. The days of the charter-mongers are numbered. The era of equal privileges is at hand.

There is one other subject on which it is proper to touch in these opening remarks, and on which we desire that there should exist the most perfect understanding with our readers. We claim the right, and shall exercise it too, on all proper occasions, of *absolute freedom of discussion*. We hold that there is no subject whatever interdicted from investigation and comment ; and that we are under no obligation, political or otherwise, to refrain from a full and candid expression of opinion as to the manifold evils, and deep disgrace, inflicted on our country by the institution of slavery. Nay more, it will be one of the occasional but earnest objects of this paper to show by statistical calculations and temperate arguments, enforced by every variety of illustration that can properly be employed, the impolicy of slavery, as well as its enormous wickedness : to show its pernicious influence on all the dearest interests of the south ; on its moral character, its social relations, and its agricultural, commercial and political prosperity. No man can deny the momentous importance of this subject, nor that it is one

of deep interest to every American citizen. It is the duty, then, of a public journalist to discuss it; and from the obligations of duty we trust the Plaindealer will never shrink. We establish this paper, expecting to derive from it a livelihood; and if an honest and industrious exercise of such talents as we have can achieve that object, we shall not fail. But we cannot, for the sake of a livelihood, trim our sails to suit the varying breeze of popular prejudice. We should prefer, with old Andrew Marvell, to scrape a blade bone of cold mutton, to faring more sumptuously on viands obtained by a surrender of principle.* If a paper, which makes the right, not the expedient, its cardinal object, will not yield its

* The story to which allusion is here made cannot too often be repeated. We copy it from a life of Marvell, by John Dove. It is as follows: The borough of Hull, in the reign of Charles II. chose ANDREW MARVELL, a young gentleman of little or no fortune, and maintained him in London for the service of the public. His understanding, integrity, and spirit, were dreadful to the then infamous administration. Persuaded that he would be theirs for properly asking, they sent his old school-fellow, the LORD TREASURER DANBY, to renew acquaintance with him in his garret. At parting, the Lord Treasurer, out of *pure affection*, slipped into his hand an order upon the Treasury for 1,000*l.*, and then went to his chariot. Marvell looking at the paper, calls after the Treasurer "My Lord, I request another moment." They went up again to the garret, and Jaek, the servant boy, was called. "Jack, child, what had I for dinner yesterday?" "Don't you remember, sir? you had the little shoulder of mutton that you ordered me to bring from a woman in the market." "Very right, child. What have I for dinner to day?" "Don't you know, sir, that you bid me lay by the *blade-bone to broil*?" "'Tis so, very right, child, go away. My Lord, do you hear that? Andrew Marvell's dinner is provided; there's your piece of paper. I want it not. I knew the sort of kindness you intended. I live here to serve my constituents; the Ministry may seek men for their purpose; *I am not one.*"

conductor a support, there are honest vocations that will ; and better the humblest of them, than to be seated at the head of an influential press, if its influence is not exerted to promote the cause of truth.

THANKSGIVING DAY.

[*From the Plaindealer, December 3, 1836.*]

THURSDAY, the fifteenth of the present month, has been designated by Governor Marcy, in his annual proclamation, as a day of general thanksgiving throughout this state. This is done in conformity with a long established usage, which has been so generally and so scrupulously observed, that we doubt whether it has ever been pretermitted, for a single year, by the Chief Magistrate of any state in the Confederacy. The people, too, on these occasions, have always responded with such cordiality and unanimity to the recommendation of the Governors, that not even the Sabbath, a day which the scriptures command to be kept holy, is more religiously observed, in most places, than the day set apart as one of thanksgiving and prayer by gubernatorial appointment. There is something exceedingly impressive in the spectacle which a whole people presents, in thus voluntarily withdrawing themselves on some particular day, from all secular employment, and uniting in a tribute of praise for the blessings they enjoy. Against a custom so venerable for its age, and so reverently observed, it may seem presumptuous to suggest an objection ; yet there is one which we confess seems to us of weight, and we trust we shall not be thought governed by an irreligious spirit, if we take the liberty to urge it.

In framing our political institutions, the great men to whom that important trust was confided, taught, by the

example of other countries, the evils which result from mingling civil and ecclesiastical affairs, were particularly careful to keep them entirely distinct. Thus the Constitution of the United States mentions the subject of religion at all, only to declare that "no religious test shall ever be required as a qualification to any office or public trust in the United States." The Constitution of our own state specifies that "the free exercise and enjoyment of religious professions and worship, without discrimination or preference, shall forever be allowed in this state to all mankind;" and so fearful were the framers of that instrument of the dangers to be apprehended from a union of political and religious concerns, that they inserted a clause of positive interdiction against ministers of the gospel, declaring them forever ineligible to any civil or military office or place within the state. In this last step we think the jealousy of religious interference proceeded too far. We see no good reason why preachers of the gospel should be partially disfranchised, any more than preachers against it, or any more than men devoted to any other profession or pursuit. This curious proscriptive article of our Constitution presents the startling anomaly, that while an infidel, who delivers stated Sunday lectures in a tavern, against all religion, may be elected to the highest executive or legislative trust, the most liberal and enlightened divine is excluded. In our view of the subject neither of them should be proscribed. They should both be left to stand on the broad basis of equal political rights, and the intelligence and virtue of the people should be trusted to make a selection from an unbounded field. This is the true democratic theory; but this is a subject apart from that which it is our present purpose to consider.

No one can pay the most cursory attention to the state of religion in the United States, without being satisfied

that its true interests have been greatly promoted by divorcing it from all connexion with political affairs. In no other country of the world are the institutions of religion so generally respected, and in no other is so large a proportion of the population included among the communicants of the different christian churches. The number of christian churches or congregations in the United States is estimated, in a carefully prepared article of religious statistics in the American Almanac of the present year, at upwards of sixteen thousand, and the number of communicants at nearly two millions, or one-tenth of the entire population. In this city alone the number of churches is one hundred and fifty, and their aggregate capacity is nearly equal to the accommodation of the whole number of inhabitants. It is impossible to conjecture, from any data within our reach, the amount of the sum annually paid by the American people, of their own free will, for the support of the ministry, and the various expenses of their religious institutions: but it will readily be admitted that it must be enormous. These, then, are the auspicious results of *perfect free trade in religion*—of leaving it to manage its own concerns, in its own way, without government protection, regulation, or interference, of any kind or degree whatever.

The only instance of intermeddling, on the part of the civil authorities, with matters which, being of a religious character, properly belong to the religious guides of the people, is the proclamation which it is the custom for the Governor of each state annually to issue, appointing a day of general thanksgiving, or a day of general fasting and prayer. We regret that even this single exception should exist to that rule of entire separation of the affairs of state from those of the church, the observance of which in all other respects has been followed by the happiest results. It is to the source of the proclamation,

not to its purpose, that we chiefly object. The recommending a day of thanksgiving is not properly any part of the duty of a political Chief Magistrate : it belongs, in its nature, to the heads of the church, not to the head of the state.

It may very well happen, and, indeed, it has happened, in more instances than one, that the chief executive officer of a state has been a person, who, if not absolutely an infidel or sceptic in religious matters, has at least, in his private sentiments and conduct, been notoriously disregarding of religion. What mockery for such a person to call upon the people to set apart a day for returning acknowledgments to Almighty God for the bounties and blessings bestowed upon them ! But even when the contrary is the case, and it is well known that the Governor is a strictly religious man, he departs very widely from the duties of his office, in proclaiming, in his gubernatorial capacity, and under the seal of the state, that he has appointed a particular day as a day of general thanksgiving. This is no part of his official business, as prescribed in the Constitution. It is not one of the purposes for which he was elected. If it were a new question, and a Governor should take upon himself to issue such a proclamation for the first time, the proceeding could scarcely fail to arouse the most sturdy opposition from the people. Religious and irreligious would unite in condemning it : the latter as a gross departure from the specified duties for the discharge of which alone the Governor was chosen ; and the former as an unwarrantable interference of the civil authority with ecclesiastical affairs, and a usurpation of the functions of their own duly appointed ministers and church officers. We recollect very distinctly what an excitement arose in this community a few years ago, when our Common Council, following the example of the Governor, undertook to interfere

in a matter which belonged wholly to the clerical functionaries, and passed a resolution recommending to the various ministers of the gospel the subject of their next Sunday discourse. The Governor's proclamation would itself provoke equal opposition, if men's eyes had not been sealed by custom to its inherent impropriety.

If such a proceeding would be wrong, instituted now for the first time, can it be right, because it has existed for a long period? Does age change the nature of principles, and give sanctity to error? Are truth and falsehood of such mutable and shifting qualities, that though, in their original characters, as opposite as the poles, the lapse of a little time may reduce them to a perfect similitude, and render them entirely convertible? If age has in it such power as to render venerable what is not so in its intrinsic nature, then is paganism more venerable than christianity, since it has existed from a much more remote antiquity. But what is wrong in principle must continue to be wrong to the end of time, however sanctioned by custom. It is in this light we consider the gubernatorial recommendation of a day of thanksgiving; and because it is wrong in principle, and not because of any particular harm which the custom has yet been the means of introducing, we should be pleased to see it abrogated. We think it can hardly be doubted that, if the duty of setting apart a day for a general expression of thankfulness for the blessings enjoyed by the community were submitted wholly to the proper representatives of the different religious sects they would find no difficulty in uniting on the subject, and acting in concert in such a manner as should give greater solemnity and weight to their proceeding, than can ever attach to the proclamation of a political governor, stepping out of the sphere of his constitutional duties, and taking upon himself to direct the religious exercises of the people. We cannot too jealously

confine our political functionaries within the limits of their prescribed duties. We cannot be too careful to keep entirely separate the things which belong to government from those which belong to religion. The political and the religious interests of the people will both flourish the more prosperously for being wholly distinct. The condition of religious affairs in this country fully proves the truth of the position; and we are satisfied it would receive still further corroboration, if the practice to which we object were reformed.

PILOTS.

[*From the Plaindealer, December 3, 1836.*]

THE loss of the Bristol, some account of which melancholy and fatal shipwreck will be found under the appropriate head, has had the good effect of drawing public attention very strongly to the defects of that bad system of laws in regard to piloting, to which the dreadful casualty is, beyond all question, attributable, and to create a very general and deep conviction of the necessity of immediate reform. The defects of the pilot laws have often before been adverted to in several of the leading public journals, and they have been the theme also, of particular animadversion in the legislature; but all attempts to improve them have hitherto failed. Their evil tendency has now received an illustration, however, which forces the subject on public attention, and occasions so general and earnest a demand for a thorough revision and remodification of the system, that those interested in preserving the present abuses will hardly have influence enough effectually to resist the desired reform. The fondness for monopoly which, in regard to so many matters, has distinguished the legislation of this state, is shown in no

instance more signally than in the laws relating to pilots. If the legislators had been all ingenious men, (which we believe has seldom happened to be the case,) and if it had been their express object to frame a set of laws on that subject which should most completely defeat their ostensible object, they could hardly have devised a system more suited to such a purpose than that which they have instituted nominally for the protection of the vast and valuable commerce of this port. The remedy for a system, the natural fruit of which is seen in the dreadful shipwreck which has recently occurred at the very entrance of our harbour, is perfectly simple. The evil results from monopoly, and free-trade supplies the obvious and infallible remedy. A system of unbounded competition; a system which should allow any person to be pilot, who submitted to a competent tribunal, the proper evidences of skill, and gave proper security for a faithful exercise of his functions, would be certain to supply the harbour of New-York with a numerous class of as hardy, intelligent, and enterprising pilots, as are to be met with in any port in the world. Instead of the sleepy and intemperate leeches, who now fatten on our commerce, without rendering it any real assistance, and who vigilantly discharge no part of their calling but that of collecting their unearned fees, we should have a set of men who, in storm and sunshine, would be constantly upon the ocean, venturing far out, and furthest under the most threatening sky. We should have men who would not suffer a noble ship, after having triumphantly encountered the storms of the Atlantic, to be wrecked, and scores of human beings to perish with her, for want of a pilot, in the very mouth of our harbour. We should have men, as the *Evening Post* forcibly expresses it, "almost amphibious, and caring as little for the storm as the seagull."

BREAD LAW.

[*From the Plaindealer, December 3, 1836.*]

WE were hugely disappointed last Monday evening, that the Common Council did not complete their action on the subject of bread. Some weeks ago, Alderman Holly introduced a resolution, which was adopted, in favour of appointing a committee to consider the propriety of re-establishing the old law relative to an assize of bread. If the committee which was appointed under this resolution had acted with half as much celerity as they usually do when eatables or drinkables are the subject of their deliberations, we should probably by this time have had bread of respectable size, instead of the diminutive things—scarcely a mouthful for a hungry Alderman—which the bakers have now the audacity to serve to their customers as shilling and sixpenny loaves.

There are some people so ignorant of the laws of political economy as to pretend that the size of bread ought to be governed by the fluctuations in the price of flour, and to be large when flour is cheap, and small when it is dear. It is strange how such an absurd notion, so utterly opposed to the principles of our entire system of legislation, could ever get into the heads of sensible men. What can the poor man, who buys his shilling loaf of bread of the grocer, be supposed to know concerning the price of flour? He cannot be running about the town to ascertain the variations of the flour market. His time is money, and he cannot afford to spend it in so prodigal a manner. No: it is necessary to protect him from the frauds of dishonest bakers: it is necessary to establish a uniform weight, and to ensure compliance with it by appointing a Bread Weighmaster General, with an ample retinue of Deputies. Is not this the prin-

ciple which pervades our legislation? Have we not a Weighmaster General of merchandise? Have we not an Inspector of Tobacco? and of Flour? and of Beef? and of Pork? And shall bread, the staff of life, be neglected? "Tell it not in Gath!"

We trust Alderman Holly will take an early opportunity to make his report, and we hope he will recommend a good stout loaf at once, and urge its adoption with all that eloquence and learning for which we understand he is distinguished. The measure may operate rather hard upon the bakers, but will it not be a benefit to the community at large? And why should the profits of a few extortionate bakers stand in the way of a great good to thousands and tens of thousands of people? If the bakers have any patriotism they will themselves not object. But the hardship will be one of only temporary duration. Flour cannot always remain at fourteen dollars a barrel, and wood at three dollars a load. A reaction, by and by, will reduce prices as much below a medium point as they now are above it; and then will come the harvest of the bakers. They will then find the truth of Lord Byron's line, (if they ever read Lord Byron,) that

Time at last makes all things even.

The wise men who frame our laws have been fully aware of this truth. Hence the usance of money is fixed at seven per cent., not that it is always worth seven per cent. and no more, as there were some long-faced gentry in Wall-street, this very day, who could have testified; but because it is sometimes as much above that rate, as at other times below it, and so the legislature strike an average, for the sake of uniformity, and to protect the community. In the same way they limit the number of pilots to sixty, though there are times when more might

find employment. But take one time with another, that number is sufficient, and it is therefore fixed at that, for the sake of uniformity, and to protect the community—an end well accomplished, as a certain recent event has fully proved!

In the same wise spirit which devised the usury law, Alderman Holly now proposes to pass a law, fixing a uniform standard of bread; and we hear it whispered that he next intends to establish a uniform standard for coats and pantaloons, and to impose a heavy fine on every tailor who shall dare to make them larger or smaller than the prescribed dimensions. Very large people and very small people may, it is true, experience some inconvenience from being obliged to wear garments of the medium standard; but there is a great benefit in uniformity, and the community ought to be protected by law against the frauds of tailors, who are somewhat noted for cabbaging. We advise Alderman Holly to persevere, nor pause in his wise undertaking, till he has fixed a standard for every thing by law. Do we not boast of being a people of laws? If it is a thing to boast of, let us then have law enough.

THE STREET OF THE PALACES.

[*From the Plaindealer, December 10, 1836.*]

THERE is, in the city of Genoa, a very elegant street, commonly called, *The Street of the Palaces*. It is broad and regular, and is flanked, on each side, with rows of spacious and superb palaces, whose marble fronts, of the most costly and imposing architecture, give an air of exceeding grandeur to the place. Here reside the principal aristocracy of Genoa; the families of Balbi, Doria, and many others of those who possess patents of nobility

and exclusive privileges. The lower orders of the people, when they pass before these proud edifices, and cast their eyes over the striking evidences which the lordly exteriors exhibit of the vast wealth and power of the titled possessors, may naturally be supposed to think of their own humble dwellings and slender possessions, and to curse in their hearts those institutions of their country which divide society into such extremes of condition, forcing the many to toil and sweat for the pampered and privileged few. Wretched indeed are the serfs and vassals of those misgoverned lands, where a handful of men compose the privileged orders, monopolising political power, diverting to their peculiar advantage the sources of pecuniary emolument, and feasting, in luxurious idleness, on the fruits of the hard earnings of the poor.

But is this condition of things confined to Genoa, or to European countries? Is there no parallel for it in our own? Have we not, in this very city, our "*Street of the Palaces*," adorned with structures as superb as those of Genoa in exterior magnificence, and containing within them vaster treasures of wealth? Have we not, too, our *privileged orders*? our scrip nobility? aristocrats, clothed with special immunities, who control, indirectly, but certainly, the political power of the state, monopolise the most copious sources of pecuniary profit, and wring the very crust from the hard hand of toil? Have we not, in short, like the wretched serfs of Europe, our lordly masters,

"Who make us slaves, and tell us 'tis *their charter*?"

If any man doubts how these questions should be answered, let him walk through Wall-street. He will there see a street of palaces, whose stately marble walls rival those of Balbi and Doria. If he inquires to whom those costly fabrics belong, he will be told to the *exclusively*

privileged of this land of equal laws! If he asks concerning the political power of the owners, he will ascertain that three-fourths of the legislators of the state are of their own order, and deeply interested in preserving and extending the privileges they enjoy. If he investigates the sources of their prodigious wealth, he will discover that it is extorted, under various delusive names, and by a deceptive process, from the pockets of the unprivileged and unprotected poor. These are the masters in this land of freedom. These are our aristocracy, our scrip nobility, our privileged order of charter-mongers and money-changers! Serfs of free America! bow your necks submissively to the yoke, for these exchequer barons have you fully in their power, and resistance now would but make the burden more galling. Do they not boast that they will be represented in the halls of legislation, and that the people cannot help themselves? Do not their servile newspaper mouth-pieces prate of the impolicy of giving an inch to the people, lest they should demand an ell? Do they not threaten, that unless the people restrict their requests within the narrowest compass, they will absolutely grant them nothing?—that they will not relax their fetters at all, lest they should next strive to snap them entirely asunder?

These are not figures of speech. Alas! we feel in no mood to be rhetorical. Tropes and figures are the language of the free, and we are slaves!—slaves to most ignoble masters, to a low-minded, ignorant, and rapacious order of money-changers. We speak, therefore, not in figures, but in the simplest and soberest phrase. We speak plain truths in plain words, and only give utterance to sentiments that involuntarily rose in our mind, as we glided this morning through the *Street of the Palaces*, beneath the frowning walls of its marble structures, fearing that our very thoughts might be construed into a

breach of privilege. But thank heaven ! the day has not yet come—though perhaps it is at hand—when our paper money patricians deny their serfs and vassals the right to think and speak. We may still give utterance to our opinions, and still walk with a confident step through the *Street of the Palaces of the Charter-mongers*.

ASSOCIATED EFFORT.

[*From the Plaindealer, December 10, 1836.*]

SOME days ago, we observed in one of the newspapers, a paragraph stating that a meeting of mechanics and labourers was about to be held in this city for the purpose of adopting measures of concerted or combined action against the practice, which we have reason to believe exists to a very great extent, of paying them in the uncurrent notes of distant or suspected banks. No such meeting, however, as far as we can learn, has yet been held. We hope it soon will be ; for the object is a good one, and there is no other way of resisting the rapacious and extortionate custom of employers paying their journeymen and laborers in depreciated paper, half so effectual as combination.

There are some journalists who affect to entertain great horror of combinations, considering them as utterly adverse to the principles of free trade ; and it is frequently recommended to make them penal by law. Our notions of free trade were acquired in a different school, and dispose us to leave men entirely at liberty to effect a proper object either by concerted or individual action. The character of combinations, in our view, depends entirely upon the intrinsic character of the end which is aimed at. In the subject under consideration, the end proposed is good beyond all possibility of question. There is high

warrant for saying that the *labourer is worthy of his hire* ; but the employer, who takes advantage of his necessities and defencelessness to pay him in a depreciated substitute for money, does not give him his hire ; he does not perform his engagement with him ; he filches from the poor man a part of his hard-earned wages, and is guilty of a miserable fraud. Who shall say that this sneaking species of extortion ought not to be prevented ? Who will say that separate individual action is adequate to that end ? There is no one who will make so rash an assertion.

The only effectual mode of doing away the evil is by attacking it with the great instrument of the rights of the poor—*associated effort*. There is but one bulwark behind which mechanics and labourers may safely rally to oppose a common enemy, who, if they ventured singly into the field against him, would cut them to pieces : that bulwark is the *Principle of Combination*. We would advise them to take refuge behind it only in extreme cases, because in their collisions with their employers, as in those between nations, the manifold evils of a siege are experienced, more or less, by both parties, and are therefore to be incurred only in extreme emergencies. But the evil of being habitually paid in a depreciated substitute for money ; of being daily cheated out of a portion of the just fruits of honest toil ; of having a slice continually clipped from the hard-earned crust ; is one of great moment, and is worthy of such an effort as we propose.

PRIVILEGED ORDERS IN DANGER.

[From the Plaindealer, December 10, 1836.]

A DOCUMENT is published in the Washington Globe of last Monday, which we have read with the profoundest attention and the liveliest pleasure, and which we regret that the occupied state of our columns prevents us from taking as full a notice of as the importance of the subject and the ability with which it is treated deserve. This document is a letter from Charles J. Ingersoll, of Philadelphia, in answer to one addressed to him by a number of the members elect of the Pennsylvania legislature, asking him, as he had been chosen a member of the Convention to propose amendments to the Constitution of that state, to express, for publication, the views he entertains in regard to the general powers of the Convention, particularly with reference to the United States Bank, and the question of vested rights. Mr. Ingersoll goes very fully into an exposition of the subjects indicated by these inquiries. At the very outset of his reply, he explicitly declares, as his own deliberate and mature conviction, that *bank-charters may be repealed by act of Assembly, without a Convention, and that such act will not be contrary to the Constitution of the United States.* Mr. Ingersoll shows that such also was the opinion, fifty years ago, of the early democrats of Pennsylvania, not declared merely, but practised, in the repeal of the charter of the Bank of North America, in 1785. This repeal was effected on the broad democratic ground, not that it had violated the conditions of its exclusive privileges, but that such an institution was aristocratic in its nature, dangerous to liberty both in its intrinsic character and as a precedent of evil, and utterly inconsistent with the fundamental principle avowed in the Pennsylvania Bill of

Rights, that government was to be administered for the equal advantage of men, and not for the peculiar emolument of any man, family, or set of men. Mr. Ingersoll also shows that the doctrine of the revocability of charters has been strenuously maintained by some of the greatest British statesmen; among them by Fox and Burke, on the bill for revoking the charter of the East India Company; and he gives a long and pertinent extract from the memorable speech of the latter on that subject. Mr. Ingersoll contends that a bank charter is not a contract within the meaning of the clause of the Constitution of the United States, prohibiting any state from passing a law impairing the obligation of contracts, and he shows that the authorised exponents of the other side of the question, so far as the repeal of the charter of the Pennsylvania United States Bank is in debate, have themselves expressly admitted that their engagement with the state lacks an essential principle to constitute it a contract. The letter of Mr. Ingersoll closes with an admirable passage, descriptive of the present condition of affairs in this country, brought about by exclusively privileged stock-jobbers and money-changers; and contrasts it with the condition in which they would soon be placed, on the accomplishing of that great reformation which shall "restore to the people their equality, to the states their sovereignty, and to the Union its supremacy over coin and currency."

THE COAL QUESTION.

[*From the Plaindealer, December 10, 1836.*]

THERE seems to be no doubt entertained, among those who have investigated the subject, that there is a combination among the dealers in coal, in this city, not to sell

under certain stipulated prices. We do not know whether this is so or not ; but let us take it for granted that it is, and the question then arises, What are we to do to remedy the evil ? The Albany Argus would suggest that "it might be well to inquire whether combinations to raise the price of coal, pork, flour, and other necessities of life, are not offences against society," which require to be made punishable by law. The Journal of Commerce (a free-trade paper !) would respond affirmatively to the question, and say, "if dealers in the above articles have combined to raise prices, let the law walk into them !"

For our own part, we would neither make a new law to punish the combiners, nor take advantage of Chief Justice Savage's and Judge Edwards's decisions, to inflict upon them the penalty of any existing statute, or of any breach of the common law of England. With all deference to the Journal of Commerce, we must take the liberty to say, that we consider its example better than its precept ; and that is by no means a usual occurrence in these days of much profession and little practice. That print informs us that its conductors, "not being disposed to submit to the extortion of the coal combination, took the liberty to order a small cargo from Philadelphia, which cost there, at this late season of the year, \$8 50 the long ton of 2240 lbs. broken and screened. The freight will increase the price to about \$11 25 the long ton, which is equal to \$10 for such tons as are sold by the combinationists. Dumped at the door, the cost will not exceed \$11." This, the Journal of Commerce adds, is better than paying thirteen or fourteen dollars, the price charged here, and shows what kind of profits the coal dealers make. Let us add that it is better, also, than making a law, or raking up an old one from the undisturbed dust of antiquity, to punish a combination, (if per-

adventure any combination exists) which is so very easily circumvented and set at nought.

The Journal of Commerce and the Albany Argus may both rest assured that the laws of trade are a much better defence against improper combinations, than any laws which the legislature at Albany can make, judging by the specimens to be found in the statute books. When a set of dealers combine to raise the price of a commodity above its natural value, they will be sure to provoke competition that will very soon let them down from their fancied elevation. It seems, according to the Journal of Commerce's own statement, that the coal dealers are selling coal by retail in this city at an advance of from eighteen to twenty-seven per cent. upon the net cost of the article delivered here. This is making no allowances for the diminution of weight the coal may undergo during transportation ; nor for the fees of the inspectors of coal, which are to be charged upon it as an item of the cost ; nor for the rent of the coal-yard ; nor for wages of labour in shovelling it to and fro. When all these particulars are added together, and deducted from the price asked, it will be found, we think, to leave but a moderate profit for the coal dealers, notwithstanding the many and loud complaints of their extortion. Truth is truth, and though the price of fuel is enormously high, we ought not to impute all the blame to those of our citizens who deal in the commodity, when our own figures prove that they do not make very extravagant profits after all.

But if the blame does not lie with the coal dealers, where does it lie ? We think there is no great difficulty in correctly answering this question. According to our view it lies, then, in the first place, with the legislatures of two or three states, which have given the privileges of a monopoly to certain coal companies, enabling them to fix prices by combination at the fountain head. It lies,

in the second place, with those same legislatures, in giving the privileges of a monopoly to certain railroad and canal companies, enabling them to fix the rates of toll and freightage. It lies, in the third place, with Congress, which has placed so heavy a duty on foreign coal as almost to shut it out from competition with the domestic. And it lies, in the fourth place, with our municipal authorities, who increase the burden by appointing measurers of foreign coal, weighers of domestic coal, and inspectors of wood, all of whom are allowed, by law, enormous fees for a duty which they do not half perform, and which, if they performed it ever so thoroughly, would be altogether superfluous.

There is still one other cause which ought not to be omitted from the calculation ; and that is, the diminished quantity of coal mined, in consequence of speculation having withdrawn labour from that employment, during the past summer, to work on railroads, to dig canals, to level hills, and fill up valleys, and, perform the various other services which were necessary to carry out the schemes projected by the gambling spirit of the times. Hence the supply is not more than adequate, at the most, to the demand ; and hence those who have a monopoly of the article at fountain head ask the present enormous prices, secure that the citizens must either give them or freeze.

There is one branch of this subject in which we most cordially concur with the Journal of Commerce. That paper suggests the propriety of the institution of benevolent associations, for the purpose of procuring a large supply of coal when it is cheapest, and disposing of it, by retail, at the prime cost and charges, to the poorer classes of citizens, whose means do not enable them to buy much in advance. Such an association might do a vast amount of good, without ever expending a single dollar. Sup-

pose, for example, a hundred citizens, of well known respectability, and sufficient pecuniary responsibility, should enter into an association for the purpose named, and should purchase a given amount of coal at six months credit, each member of the association being jointly and severally responsible for the indebtedness of the whole. The coal might then be put at such a price as, when all was sold, would yield the net cost and charges ; and before the obligations of the company should fall due, the money would be in hand to discharge them. This would be a cheap charity on the part of those who engaged in it, and a most valuable one to those classes of citizens for whose benefit it would be intended.

A FINE VOLLEY OF WORDS.

From the Plaindealer of December 17, 1836.

It is related, in one of those instructive fables which we have all read in our school-boy days, that the shepherd, who indulged himself in the innocent pastime of crying wolf, when no wolf was near, for the mere purpose of seeing what effect the startling exclamation would have on the neighbouring herdsmen, found, unfortunately, when the beasts of prey actually descended upon his flock, and were committing unresisted havoc, that the alarm-word, which had been wont to bring instant succour, had wholly lost its salutary efficacy. The moral of this story is susceptible of extensive application. They who invoke aid when none is required, will be doomed at last to have their prayers unheeded, however urgent may be the occasion which then prompts the appeal ; and they, too, whose objurgatory temper leads them to indulge in habitual threats, when no cause of offence is intended, will find, in the end, their fiercest denunciations

disregarded, without reference to the circumstances by which they may be elicited. Persons who reside near the Falls of Niagara grow familiar with the din, and become, in time, wholly unconscious of the perpetual thunder of the cataract ; and it is said that the keepers and medical attendants in a mad-house get so accustomed to the shrieks and yells of the frantic inmates, as to be able to pursue their avocations with as much tranquillity as if the silence was not broken by such horrid sounds.

These truths do not seem to have been present in the mind of Mr. McDuffie, when he prepared his recent message to the legislature of South Carolina. He has shot off, in that document, "a fine volley of words," to use a phrase from Shakspeare ; but he seems to have forgotten that the northern people have become so accustomed to such volleys, that they have lost the terror which originally belonged to them. There was a time when a threat of disunion, from a much more insignificant source than the chief magistrate of a great state, in his official communication with the legislature, would have excited a thrill of alarm in the bosom of every true lover of his country, throughout the whole extent of this vast confederacy. There was a time, when every heart sincerely responded to the farewell admonition of Washington, that as union is the main pillar in the edifice of our real independence, we should "cherish a cordial, habitual, and immoveable attachment to it ; watching for its preservation with jealous anxiety ; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned ; and indignantly frowning on the first dawning of every attempt to alienate any portion of our country from the rest." There was a time, when the sacrilegious thief, who steals the consecrated chalice from the altar, would not be looked upon, by religious men, with half the horror that a whole people would

have regarded the daring wretch who should lisp a recommendation to dissolve the federal compact. But that time is long since past. The bound which restrained, as within a magic circle, the controversies of political disputants, has been overleaped. Southern statesmen (what an abuse of the word!) long ago employed their arithmetic to calculate the value of the Union; and now nothing is more common than the threat of its dissolution. Is it proposed to admit a territory into the Confederacy under such qualifications as shall promote the cause of freedom, and extend and strengthen the basis of human rights? Dissolve the Union! is the cry which at once assails our ears from the south. Is it recommended, by those whose interests are involved in manufactures, to continue, for a while longer, the restrictions on commerce, under which domestic manufactures were first fostered into existence? Dissolve the Union! exclaim the patriots of the south. Is it suggested that it is the duty of Congress to abolish slavery in a district over which the Constitution gives it exclusive jurisdiction? Dissolve the Union! is the frantic shout which is again pealed forth from the south. To dissolve the Union seems to be the ready remedy for every grievance, real or supposed. It is the nostrum which, in the true spirit of reckless and desperate quackery, the politicians of the southern states, and particularly of South Carolina, would administer for every ill. It is the panacea which they appear to consider of universal efficacy. It is the cure which will alike restore the patient to health, whether he suffers from an external hurt or from internal decay; whether his malady be serious or trivial, chronic or acute. Amputation seems to be the only remedial measure known in the political chirurgery of the south.

But Governor McDuffie goes a step further than any

former practitioner. He is for using the knife, not when disease attacks a limb, but the moment it is apprehended. He is for dissolving the Union, not when any measure, militating against "the domestic institutions of the south," is effected; but whenever it is proposed. He would proceed to that extremity, not when the abolition of slavery, in any shape or degree, is accomplished; but the moment the question is discussed. To say that slavery is an evil, is, in his view, a violation of the federal compact; and for Congress to receive a petition on the subject, is, according to his exposition of constitutional law, equivalent to a declaration of war against the states in which slavery exists.

THE CORPORATION QUESTION.

[*From the Plaindealer, December 24, 1836.*]

ONE of the newspapers which has done us the honour to notice this journal, animadverts, with considerable asperity, upon our declaration of interminable hostility to the principle of special incorporation, and points our attention to certain incorporated institutions, which, according to the universal sense of mankind, are established with the purest motives, and effect the most excellent objects. The ready and obvious answer to the strictures we have provoked is, that it is the means, not the end, which furnishes the subject of our condemnation. An act of special incorporation may frequently afford the persons associated under it facilities of accomplishing much public good; but if those facilities can only be given at the expense of rights of paramount importance, they ought to be denied by all whose political morality rejects the odious maxim that the end justifies the means. It would be a very strained and unwarrantable inference

from any remarks we have made, to say that we are an enemy to churches, public libraries, or charitable associations, because we express hostility to special legislation. It would be an unwarranted inference to say that we are even opposed to the principle of incorporation ; since it is only to the principle of *special incorporation* that we have expressed hostility. We are opposed, not to the object, but to the mode by which the object is effected. We are opposed, not to corporation partnerships, but to the right of forming such partnerships being specially granted to the few, and wholly denied to the many. We are opposed, in short, to unequal legislation, whatever form it may assume, or whatever object it may ostensibly seek to accomplish.

It has been beautifully and truly said, by the illustrious man who presides over the affairs of our Confederacy, that "there are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to *equal protection*, and, as heaven does its rains, shower its favours alike on the high and the low, the rich and the poor, it would be an unqualified blessing." But it departs from its legitimate office, it widely departs from the cardinal principle of government in this country, the equal political rights of all, when it confers privileges on one set of men, no matter for what purpose, which are withheld from the rest. It is in this light we look upon all special acts of incorporation. They convey privileges not previously enjoyed, and limit the use of them to those on whom they are bestowed. That special charters are, in many instances, given for objects of intrinsic excellence and importance, is freely admitted ; nor do we desire to withhold our unqualified acknowledgment that they have been the means of effecting many improvements of great value to the community at large. Let it be clearly understood, then, that we do not war against

the good achieved ; but seek only to illustrate the inherent evil of the means. A special charter is a powerful weapon ; but it is one which should have no place in the armory of the democracy. It is an instrument which may hew down forests, and open fountains of wealth in barren places ; but these advantages are purchased at too dear a rate, if we give for them one jot or tittle of our equal freedom. As a general rule, too, corporations act for themselves, not for the community. If they cultivate the wilderness, it is to monopolize its fruits. If they delve the mine, it is to enrich themselves with its treasures. If they dig new channels for the streams of industry, it is that they may gather the golden sands for themselves, as those of Pactolus were gathered to swell the hoards of Cræsus.

Even if the benefits, which we are willing to admit have been effected by companies acting under special corporate privileges and immunities, could not have been achieved without the assistance of such powers, better would it have been, in our opinion, far better, that the community should have foregone the good, than purchase it by the surrender, in any instance or particular, of a principle which lies at the foundation of human liberty. No one can foretell the evil consequences which may flow from one such error of legislation. "Next day the fatal precedent will plead." The way once open, ambition, selfishness, cupidity, rush in, each widening the breach, and rendering access easier to its successor. The monuments of enterprise erected through the aid of special privileges and immunities are numerous and stupendous ; but we may yet be sadly admonished

———"how wide the limits stand,
Between a splendid and a happy land."

But, fortunately, we are not driven to the alternative

of either foregoing for the future such magnificent projects as have heretofore been effected by special legislation, or for the sake of accomplishing them, continuing to grant unequal privileges. It is a propitious omen of success in the great struggle in which the real democracy of this country are engaged, that monopolies, (and we include in the term all special corporate rights) are as hostile to the principles of sound economy, as they are to the fundamental maxims of our political creed. The good which they effect might more simply and more certainly be achieved without their aid. They are fetters which restrain the action of the body politic, not motories which increase its speed. They are jesses which hold it to earth, not wings that help it to soar. Our country has prospered, not because of them, but in spite of them. This young and vigorous republic has bounded rapidly forward, in despite of the burdens which partial legislation hangs upon its neck, and the clogs it fastens to its heel. But swifter would have been its progress, sounder its health, more prosperous its general condition, had our law-makers kept constantly in view that their imperative duty requires them to exercise their functions for the good of the whole community, not for a handful of obtrusive and grasping individuals, who, under the pretext of promoting the public welfare, are only eager to advance their private interests, at the expense of the equal rights of their fellow-men.

Every special act of incorporation is, in a certain sense, a grant of a monopoly. Every special act of incorporation is a charter of privileges to a few, not enjoyed by the community at large. There is no single object can be named, for which, consistently with a sincere respect for the equal rights of men, a special charter of incorporation can be bestowed. It should not be given to establish a bank, nor to erect a manufactory ;

to open a road, nor to build a bridge. Neither trust companies nor insurance companies should be invested with exclusive rights. Nay, acting in strict accordance with the true principles both of democracy and political economy, no legislature would, by special act, incorporate even a college or a church. Let it not be supposed, however, that we would withhold from such institutions the intrinsic advantages of a charter. We would only substitute general, for partial legislation, and extend to all, the privileges proper to be bestowed upon any. The spirit of true wisdom, in human affairs, as in divine,

“ Acts not by partial, but by general laws.”

Nothing can be more utterly absurd than to suppose that the advocacy of these sentiments implies opposition to any of the great undertakings for which special legislative authority and immunities are usually sought. We are opposed only to a violation of the great democratic principle of our government ; that principle which stands at the head of the Declaration of Independence ; and that which most of the states have repeated, with equal explicitness, in their separate constitutions. A general partnership law, making the peculiar advantages of a corporation available to any set of men who might choose to associate, for any lawful purpose whatever, would wholly obviate the objections which we urge. Such a law would confer no exclusive or special privileges ; such a law would be in strict accordance with the great maxim of man's political equality ; such a law would embrace the whole community in its bound, leaving capital to flow in its natural channels, and enterprise to regulate its own pursuits. Stock bubbles, as fragile as the unsubstantial globules which children amuse themselves with blowing, might not float so numerous in the air ; but all schemes of real utility, which presented a reasonable prospect of

profit, would be as readily undertaken as now. That active spirit of enterprise, which, in a few months, has erected a new city on the field lately desolated by the direst conflagration our history records ; that spirit of enterprise, which every year adds whole squadrons to the innumerable fleet of stately vessels that transport our commerce to the remotest harbours of the world ; that spirit of enterprise which seeks its object alike through the freezing atmosphere of the polar regions, and beneath the fervour of the torrid zone, displaying the stars and stripes of our country to every nation of the earth ; that active spirit would not flinch from undertaking whatever works of internal improvement might be needed by the community, without the aid of exclusive rights and privileges.

The merchant, who equips his noble vessel, freights her with the richest products of nature and art, and sends her on her distant voyage across the tempestuous sea, asks no act of incorporation. The trader, who adventures his whole resources in the commodities of his traffic, solicits no exclusive privilege. The humble mechanic, who exhausts the fruit of many a day and night of toil in supplying his workshop with the implements of his craft, desires no charter. These are all willing to encounter unlimited competition. They are content to stand on the broad basis of equal rights. They trust with honourable confidence, to their own talents, exercised with industry, not to special immunities, for success. Why should the speculators, who throng the lobbies of our legislature, be more favoured than they ? Why should the banker, the insurer, the bridge builder, the canal digger, be distinguished by peculiar privileges ? Why should they be made a chartered order, and raised above the general level of their fellow-men ?

It is curious to trace the history of corporations, and

observe how, in the lapse of time, they have come to be instruments that threaten the overthrow of that liberty, which they were, at first, effectual aids in establishing. When the feudal system prevailed over Europe, and the great mass of the people were held in vilest and most abject bondage by the lords, to whom they owed strict obedience, knowing no law but their commands, the power of the nobles, by reason of the number of their retainers and the extent of their possessions, was greater than that of the monarch, who frequently was a mere puppet in their hands. The barons, nominally vassals of the crown, holding their fief on condition of faithful service, were, in reality, and at all times, on any question which combined a few of the more powerful, absolute masters. They made kings and deposed them at pleasure. The history of all the states of Europe is full of their exploits in this way; but the narrative of the red and white rose of England, of the contending houses of York and Lancaster, is all that need be referred to for our present purpose. Corporations were the means at last happily hit upon of establishing a power to counterbalance that so tyrannously and rapaciously exercised by the barons. For certain services rendered, or a certain price paid, men were released from the conditions which bound them to their feudal lords, and all so enfranchised were combined in a corporate body, under a royal charter of privileges and immunities, and were termed "freemen of the corporation." In process of time, these bodies, by gradual and almost imperceptible additions, grew to sufficient size to afford a countercheck to the power of the nobles, and were at last the instruments, not in England only, but throughout Europe, of overthrowing the feudal system, emancipating their fellow-men from degrading bondage, and establishing a government somewhat more in accordance with the rights of humanity.

But in this country, founded, in theory and practice, on an acknowledgment, in the broadest sense, of the universal right of equal freedom, the grant of special corporate privileges is an act against liberty, not in favour of it. It is not enfranchising the few, but enslaving the many. The same process which, when the people were debased, elevated them to their proper level, now, when the people are elevated, and occupy the lofty place of equal political rights, debases them to comparative servitude. The condition of things in free America is widely different from that which existed in Europe during the feudal ages. How absurd then, to continue a system of grants, for which all actual occasion long since ceased, and which are now at utter and palpable variance with the great political maxim that all alike profess! It is our desire, however, in treating this subject, to use no language which may embitter the feelings of those who entertain contrary views. We wish to win our way by the gentle process of reason; not by the boisterous means which angry disputants adopt. It has, in all times, been one of the characteristic errors of political reformers, and we might say, indeed, of religious reformers, too, that they have threatened, rather than persuaded; that they have sought to drive men, rather than allure. Happy is he "whose blood and judgment is so well commingled," that he can blend determined hostility to public errors and abuses, with sufficient tolerance of the differences of private opinion and prejudice, never to relinquish courtesy, that sweetener of social life and efficient friend of truth. In a small way, we seek to be a reformer of certain false principles which have crept into our legislation; but as we can lay no claim to the transcendent powers of the Miltons, Harringtons and Fletchers of political history, so we have no excuse for indulging in their fierceness of invective, or bitterness of reproach.

THE TRUE THEORY OF TAXATION.

[*From the Plaindealer, December 24, 1836.*]

THE Evening Post, in one of its recent excellent articles on the protective system, speaking with particular reference to the impost on coal, expresses the opinion that it is the duty of our rulers to lighten the burdens of the people as much as possible, "especially when they fall on articles of first rate necessity; and it is easy," the Evening Post adds, "to distinguish between those that do, and those that do not."

We are very willing to see the protective system attacked, either in gross or in detail. If we find that we cannot procure the immediate reduction of all duties to the exact revenue standard, as graduated on an equal *ad valorem* scale, we must be content to concentrate our forces upon particular articles or classes of articles, and thus attempt to accomplish the overthrow of the tariff, somewhat after the manner that the redoubtable Bobadil proposed to overthrow an army. We are afraid, however, that this mode of operation, in our case, as in his, will fail of effecting any very important result. But while we are willing to join the Evening Post in bringing about a reduction of the tariff, either by piecemeal or wholesale, we cannot quite agree with the sentiment it expresses, as an abstract proposition, that it is the especial duty of rulers to reduce taxes on necessities, and to discriminate between those which are so, and those which are not. It seems to us, on the contrary, that the true theory of taxation, whether direct or indirect, whether levied upon commerce, or assessed, without any intermediary agency or subterfuge, upon the property of the people, is that which falls with equal proportional weight upon every variety of commodity. While we should contend, with

the utmost earnestness against the imposition of a tax, the effect of which would be to burden the poor man and let the rich go free ; we should oppose as positively, if not as zealously, a contrary system, which tended to place the load, in any undue degree, upon the shoulders of the rich. We are for equal rights ; for the rights of the affluent and the needy alike ; and we would not admit, in any case, or to any extent whatever, the principle of either laying or repealing duties for the special advantage of the one class or the other. We have had too much already of discriminating duties.

If we must raise the revenues of our federal government from imposts on commerce, the true theory to contend for, in our view of the subject, is an equal *ad valorem* duty, embracing every commodity of traffic. The importer of foreign coal will tell you a pathetic story of the hardships and sufferings of the poor at this inclement season of the year. He will borrow perhaps the eloquent language of the Evening Post, to describe the shivering inmates of garrets and cellars, and the poor lone woman who buys her coal by the peck. He will draw you to her wretched abode, and show her surrounded by her tattered offspring, expanding their defenceless limbs over a few expiring embers that mock them with ineffectual heat. When he has raised your sympathy to the proper pitch, he will then call on you to exert your influence to procure the repeal of a duty which places beyond the reach of thousands of shuddering wretches one of the prime necessities of life, and leaves them to all the horrors of unmitigated winter, as it visits the unfed sides and looped and windowed raggedness of the poor. The dealer in foreign grain will have a similar tale to relate. He will expatiate on the sufferings of the indigent from the high price of bread, and ask you to exempt breadstuffs from taxation. The importers of books and charts, and of

mathematical instruments, will talk of the advantages of a wide diffusion of literature and science, and ask for a repeal of duties on those articles in which their trade consists. Colleges will represent that the cause of education requires their libraries and laboratories should come duty free. Railroad corporations will point out the many political and commercial benefits that must accrue to the country from facilitated intercourse between its distant parts, and ask that their engines and other appliances be released from the burden of taxes. All these applications, and many others of a like kind, have something specious to recommend them to a favourable consideration, and some have been listened to and granted. The prayers of corporate bodies have been affirmatively answered, while a deaf ear has been turned to those of the ill-fed and unprivileged poor. In our sense, however, they ought all to be treated alike, and all to be rejected. The only legitimate purpose of a tariff is that expressed by the Constitution, "to pay the debts and provide for the general welfare;" and the debts should be paid and the general welfare provided for, in strict accordance with the great distinguishing principle of our government—the equal rights of the people. This never can be entirely accomplished while imposts on foreign commerce furnish the means of revenue; but it is the obvious duty of legislators to do nothing to increase the unavoidable inequality of the burden.

The true system of raising revenue, the only democratic system, and the one which we trust the people of this Confederacy will some day insist upon adopting, is that of direct taxation. We hope the day will come, (and we think we see the evidences of its approach) when not a Custom House will exist in the land; when tidewaiters and guagers, appraisers and inspectors, will be unknown; and when commerce, that most efficient

friend of the best interests of man, and brightener of the links of international amity, will be as free to go and come, as the breeze that fills her sails, or the wave that bears her freighted stores. The system from which we now derive the resources of our government is in utter opposition to the maxim on which our government is founded. We build up our institutions professing the utmost confidence in the intelligence and integrity of the people ; but our very first act betrays distrust both of their sagacity and virtue. We fear they have neither sense enough to see that the expenses of government must be defrayed, nor honesty enough to pay them if directly applied to for that purpose ; and hence we set about, by various modes of indirection, to filch the money from their pockets, that they may neither know how much they contribute, nor the precise purpose to which it is applied. Could a system be devised better calculated to encourage lavish expenditure, and introduce variety of corruption ? To preserve the government simple and pure, the people should know what they pay, and for what object. This would excite men to that degree of vigilance which is necessary to the preservation of their rights ; it would restrain their political agents from neglecting or exceeding their trusts ; and it would prevent government from that otherwise inevitable, however gradual, enlargement of its powers and offices, which, in the end, must prove destructive of the liberties of the people. A system of indirect taxation tends, with steady and constant force, to undermine the basis of popular rights. It is, in its very nature, an aristocratic system, and bears upon its front the evidence of distrust of popular capacity and virtue. A system of direct taxation, on the contrary, is a candid and democratic system. It is built on the presumption that the mass of men have sufficient intelligence to know in what good government

consists, and sufficient integrity to pay what is required to maintain their rights. It is, in short, the only true theory of taxation ; and the day will be an auspicious one for the great cause of human liberty when it is adopted by the American people.

“YOUR NAPKIN IS TOO LITTLE.”

[*From the Platinea'er, December 24, 1836.*]

WHEN the generous Othello was wrought upon by the arts of his false friend to suspect the fidelity of his wife, the agony of his ingenuous mind, unable to dissemble, betrayed itself at once in his countenance ; and Desdemona seeing him troubled, and wholly unconscious of the cause, but supposing some mere physical ill afflicted him, offered to bind up his aching temples with her handkerchief. None who have had the good fortune to see the text of Shakspeare illustrated by the acting of Kean or Forrest, can ever forget the deep pathos, and wonderful fulness of meaning, of Othello's brief reply, “Your napkin is too little !”

We take the liberty to use this phrase in reference to the conduct of those political journalists who, on one side as well as the other, seek to tie up the abolition question within the limits of party, and treat it as if it were a subject on which men are divided by the same lines that divide them on the ordinary political topics of the times. Those efforts do not deceive the people, either at the north or south, but only expose the dishonesty of those who make them. The American Sentinel, for example, assures its southern readers that the views expressed in Governor Ritner's message, on the subject of slavery, are those peculiarly entertained by the whig party, as it is styled, and that the democracy of Pennsylvania, after the

next annual election, will be represented by a majority in both branches of the legislature, when the abolitionists will no longer have it in their power to do any injury to southern interests. But in making this statement, it departs so widely from what is the notorious fact, that it cannot have the effect to deceive a single mind. The slaveholders know full well, and the American Sentinel also knows full well, while it publishes a contrary intimation, that the opposition to slavery, the desire to see it abolished, and the determination to discuss the subject, are not confined either to one party or the other in Pennsylvania ; but that they are entertained and expressed by multitudes of men, without the slightest reference to party lines, as drawn by other political questions. The Philadelphia Sentinel knows, too, that if the slavery question is to be considered a political question at all, it is so in the highest and most important meaning of the phrase ; and that it has no affinity or connection with other questions that come under that designation. In the soothing words which it addresses to the south on this subject it manifests a desire, it is true, to bind up the throbbing temples of the slaveholders ; *but its napkin is too little.*

There are numerous party journals, in different quarters of the country, which are playing this despicable game of retaliation and mutual crimination on the subject of slavery. In one place, some accidental or irrelevant circumstance is seized hold of and distorted, to convince the south that the abolitionists belong to the democratic party ; and, in another, the direct contrary is established by some equally cogent process of argument or proof. The truth is, and the south sees it, notwithstanding the puling of such prints as the Richmond Enquirer about “the whig legislature of Vermont,” and “the whig Governor of Pennsylvania,” that this question is not con-

finéd within the bounds of party ; that it is not a question of whig and democrat, or one that is affected by the ordinary principles and divisions of political antagonism ; but that it includes men of every variety of political belief, and extends through every portion of the Confederacy, where the moral leprosy of slavery does not exist. If a desire to abolish slavery, and a deep and earnest abhorrence of it, in all its aspects, are characteristic of one party more than the other, we hesitate not to say that it is of the democratic party ; since the institution is in more positive and utter violation of the fundamental article of the creed of democracy, which acknowledges the political equality, and unalienable right of freedom of all mankind.

But let the south not vainly imagine that detestation of slavery is confined to either of the political divisions of the community, or that it can ever hush the question up no matter what party or faction may be in the ascendancy. The right of free discussion is a right which we of the north will never relinquish ; and that set of public servants who should be so base and so audacious, so lost to all sense of true patriotism, and so ignorant of the temper of the people, as to attempt to fetter opinion by any legislative restraints on its free exercise, would be hurled from their places, by such an instant and overwhelming storm of universal scorn and indignation, as has no precedent in all the political convulsions of our history. There was a time, perhaps, a few years since, when a mild and conciliatory course, on the part of southern writers and speakers, might have delayed, though it could not have stopped, the discussion of the question of negro slavery. But the 'Ercles vein was preferred, and the stale threat of a dissolution of the Union was resorted to. What has been the consequence ? Where there was one abolitionist then, there are hundreds now ; and

instead of a feeble and occasional mention of the subject in a few newspapers, it is now, everywhere, openly, boldly, thoroughly discussed. The day is past, if it ever was, when a party complexion could be given to that great and momentous question, and when politicians, on either side, could be thus deterred from meddling with it, lest it should exercise an untoward influence on mere party objects. The Richmond Whig and the Richmond Enquirer, which seem governed by a spirit of mutual emulation in their efforts to throw the odium of the slavery discussion, each on the opposite party, will yet find that this is an ineffectual way of treating the subject; they will yet find that *their napkin is too little*.

BEAUTIES OF THE EXCLUSIVE SYSTEM.

[From the Plaindealer, December 24, 1836.]

THE Independent Republican, published at Goshen, in this state, points out, in the following paragraph, one of the many violations of the equal rights of the people, to which the system of granting special charters of incorporation has led.

“Among the thousand discriminations on our statute books in favour of *associated wealth*, there is none more unjust than that which gives to Railroad Companies the privilege of importing their iron *free of duty*, while every ounce used for agricultural or mechanical purposes is burdened with an impost of 25 per cent. If, however, the amount of duty were the only injury to individual industry resulting from this odious distinction, its evils would be comparatively light. But the exclusive privilege thus granted to incorporated companies, has induced orders to such an extent for railroad iron, that the manufacturers in England have gone almost universally into its fa-

brication ; thus causing a limited supply for other purposes, and inducing an advance of price equal to at least 50 per cent. It is thus that through a mistaken course of legislation incorporated wealth draws around itself additional immunities, while individual enterprise is cramped by legal disabilities, or burdened by unjust exactions. But the day of exclusive privileges, we trust, is at an end ; and among the first acts of Congress we hope to see an abolishment of that unjust discrimination which now gives to mammoth associations a privilege sedulously withheld from the community at large."

The injustice of this exemption of railroad corporations from a duty which all citizens have to pay, and of its indirect operation to increase the prices of all articles of foreign manufacture in iron, other than irons for railroad tracks, is too obvious to require any illustration. It is too obvious to admit the supposition that Congress, in excepting railroad iron from duty, did not perceive the unequal and unjust effect which the measure would necessarily have. What a view, then, does not this circumstance present of the enormous power which chartered associations already possess, when they can thus openly procure immunities from Congress, at the expense of an imposition of additional taxes and burdens on the people at large—on all not included within the pale of exclusive corporate privileges !

POLITICAL PROSPECTS.

[*From the Plaindealer, December 31, 1836.*]

THIS number of our paper is issued to its readers on the eve of a new year. Standing at its threshold, let us pause, for a moment, to consider the political character by which it is likely to be distinguished.

“Coming events cast their shadows before ;” and an attentive observer may already perceive various pregnant indications of the question relied upon, by the leading spirits of the aristocracy, to keep up the division of parties, and shake the administration of Mr. Van Buren. It may already be seen that the question of a federal bank is to be the great rallying point of the adversaries of democracy. The forces, so signally routed and dispersed by the energy and determination of General Jackson, are gathering again for a new assault, and recombining the elements of their strength. The letters of Mr. Biddle, and the motions and speeches already made, in both houses of Congress, in regard to the imputed causes of the financial pressure experienced by the community, the derangement of the currency, the enormous rates of domestic exchange, and the consequent interruption of many extensive and valuable branches of traffic, are all denotements that point, more or less significantly, to one ultimate object, the re-establishment of a federal banking institution. In what precise form this proposition will come up, and what previous measures will be pursued to convince the people that it presents their only hope of relief from the various evils of a depreciated and discredited currency, are not yet clearly denoted by any of the preliminary steps. It is not probable that the scheme will be openly promulgated during the present session of Congress. It is in embryo, and it will not fairly break the shell, until Martin Van Buren assumes the presidential office.’

In the meanwhile, the most sedulous and constant attempts will be made, to excite alarm and distrust ; to diffuse the idea that all the evils resulting from overtrading and a frantic spirit of speculation are to be wholly ascribed to the financial mismanagement of the government ; and that pecuniary derangement and distress, as

it commenced with the prostration of the United States Bank, so it will not terminate till that institution is restored to its original powers and functions. "We must have a national bank!" is the exclamation we already hear in many quarters; and every possible effort, in Congress and out, will be made to strengthen and spread the opinion that a bank, established under federal authority, is the only source to which the community can look for permanent and adequate relief. We have great confidence, however, that the democracy of the country cannot be deceived on this subject. It is hardly possible, in the nature of things, that they can be again exposed to such a wide and desolating financial tempest as that of 1834, when the Bank of the United States, as its last resort, having tried the arts of bribery and cajolery to a prodigious extent, and in vain, poured out its fiercest wrath upon the country, with the view of coercing the people into its measures. They who withstood unshaken the wicked attempts of that period, will hardly be overcome by the efforts which are again about to be exerted against them.

In the engrossing topic presented by the new crusade which the leaders of the various factions of the opposition are devising, all seem to have lost sight of the great man, who was but recently held up to the people as a fit person to fill the chief office of the Confederacy. What has become of General Harrison? Poor man, he has run his course. He has answered, better than could have been expected, the purpose for which he was cruelly dragged from retirement; and having served his little day, as the object "of empty starers and of loud huzzas," he is permitted to slink back into congenial obscurity, where there are "none so poor as do him reverence." We could not but pity the weak old man, when we saw him carried round the country, "as our rarer monsters are," by a

set of designing individuals, who, profusely zealous in dishonest homage, cared not a rush for him they pretended to honour, further than the profit they hoped to make by the exhibition.

————— The statesman of the day,
 A pompous and slow moving man, he came.
 Some shouted, and some hung upon his car,
 To gaze in 's eyes, and bless him. Maidens waved
 Their kerchiefs, and old women wept for joy ;
 While others, not so satisfied, unhorsed
 The gilded equipage, and turning loose
 His steeds, usurped a place they well deserved,
 Why ? what thus charmed them ? Had he saved the state ?
 No. Did he purpose its salvation ? No.
 ————— But the wane has come,
 And his own cattle must suffice him now.

The bank is the question now, and the popular ear will be dinned no longer with the exploits of the hero of Tippecanoe. *Requiescat in pace !*

It is a happy thing for the cause of true democracy, that the man whom the people have chosen to preside over the Confederation is voluntarily pledged, with the utmost positiveness and solemnity, to oppose, by all the means in his power, the re-establishment of a federal bank, in any shape, or with any limitations that can possibly be devised. We do not think it is possible for language to furnish the materials of a more absolute and comprehensive engagement, than that which Martin Van Buren, of his own motion, solemnly entered into with the people of the United States, as the great condition on which he was willing to accept the office of Chief Magistrate. In his celebrated letter to Sherrod Williams, speaking on the subject of a United States Bank, he says, "*My objection is that the Constitution does not give Congress the power to erect corporations within the states. It*

is an objection which nothing short of an amendment of the Constitution can remove. It is a historical fact, that the Convention refused to confer that power on Congress, and I am opposed to its assumption by it on any pretence whatever. I am not only willing, but desirous, that the people of the United States should be fully informed of the precise ground I occupy on this subject."

In the face of this ample and explicit pledge, there are persons who believe, or affect to believe, that Martin Van Buren will encourage, not openly, but secretly, the views of those who seek to establish another federal bank ; and that he will finally sign a bill to that effect, under the pretext of yielding to the public voice. What measure of his whole life, we would ask, stamps him such a knave and renegade, as to afford countenance to the belief ? What act of treachery has he committed of so black a die as furnishes ground for the opinion ? What single event is recorded in his history that gives to the slanderous conjecture the least shadow of probability ? There is none. Martin Van Buren, "were damned beneath all depth of hell," to use the strong language of Shakspeare, if he had furnished the slightest reason for this wild and most erroneous surmise. He would not only expose himself, by such a course to the scorn and hisses of mankind while he lives, but his memory would stink in the nose of succeeding ages, and his name would be mentioned hereafter only as that of a very paragon of political treachery and falsehood. But the idea is absurd on its face, and is too monstrous even for credulity itself to believe.

The opposition have no hopes of gaining Martin Van Buren over to their purposes. Their object is not to proselyte him, but to destroy him. Their aim is to overthrow the democratic ascendancy and erect a federal bank on its ruins. To this end, they will cast every possible embarrassment in the way of his administration.

They will create all the financial confusion in their power, and exaggerate all that occurs, no matter from what cause, ascribing every difficulty to the want of a great fiscal institution, like that which the veto of General Jackson destroyed. By these constant efforts they hope to effect a gradual change in public opinion, and at last prepare the popular mind to receive a bank created by a two-thirds vote in Congress. We see the beginning of these measures already; but we see it without alarm. They who, like us, entertain a sincere belief in the fundamental maxim of democracy, which, in recognising the right of a majority to govern, acknowledges the capacity and virtue of the people, may contemplate, without apprehension, these renewed exertions of the leaders of a baffled combination of factions. It is the old struggle of the antagonist principles of our government. It is a recommencement of that contest between the aristocracy and the democracy, which has been often waged before, and in which the cause of popular liberty has always triumphed. There is less ground of fear now, than in any previous conflict, that victory will desert those on whom it so long has smiled; since the people more thoroughly understand, than at any former period, the insidious and dangerous nature of all gigantic moneyed institutions, and the enormous power of evil they exercise, when brought into the field to control the political elements of the country.

That the bank question will furnish the line of party division, and the object of party strife, through the coming year, we have not a doubt. The contest will probably be carried on with much excitement and animation, and, in the commercial districts especially, will be marked with that deplorable bitterness and rancour of mutual crimination and retort, which are naturally created by discussions that affect the pecuniary interests of men. But,

without claiming the gift of prophecy, we think we can see through the clouds which lower on the political prospect, and discern that the year will terminate auspiciously for the great principles of human freedom, and in the discomfiture of those who desire to restrain the unbiassed expression of the popular voice.

AMERICAN NOBILITY.

[*From the Plaindealer, December 31, 1836.*]

A WRITER, of uncommon eloquence and ingenuity, has appealed, in the columns of the *Evening Post*, under the signature of *Anti-Privilege*, and has undertaken to prove the unconstitutionality of the restraining law, on the ground that it is a violation of that clause of the federal constitution which declares that *no state shall grant any title of nobility*. It is obvious, from the whole tenor of the article, that this is not undertaken as a mere exercise of ingenuity; but that, "just in his views or not, the writer is in earnest." We have read his remarks with attention, and profess ourselves to be of the opinion he so cogently maintains, that the restraining law is, in effect, if not in letter, a grant of titles of nobility to those whom its provisions protect in their special privileges and immunities. We cannot better appropriate a portion of our space, than by inserting an extract from this able essay.

"It is not merely titles of nobility, as they are defined in England, or France, or Germany, or Spain, that are prohibited by the Constitution, but titles of nobility in the broad and comprehensive import of the term. Now what is it that constitutes *nobility*? Not noble descent. In this all nations and all writers are agreed. Not the possession of large domains. Not hereditary honours.

Not the exercise of high political authority. Not worth, nor wealth, nor talent, nor strength, nor beauty. It is neither of these things. By the unanimous testimony of those who have gathered the true meaning of the word, from the various senses in which it has been used, it signifies a quality, which by virtue of some document put forth by due authority, places the subject of it in the enjoyment of civil rights denied to the mass of the community. A *noble* is defined by English writers to mean 'a person who has a privilege which raises him above a commoner or peasant.' On the continent the word *noble* is less restricted than in England. The French Academy thus define the word: '*Qui par droit de naissance ou par lettres du prince, fait partie, d' une classe distinguée dans l' état.*' 'One who by right of birth, or by patent from the prince, makes part of a distinguished class in the state.' In every part of Europe, it is *civil privilege* which constitutes the nobleman; and since the progress of intelligence has stripped many of this order of the immunities they once enjoyed, the title of nobility, in numerous instances, is understood to be one of custom and of courtesy only, possessing no validity, because conferring no distinction. Now what is the quality which a charter confers upon the citizens who can obtain it by their merits, their importunities, or their bribes? *Civil privilege*—gainful, enviable civil privilege. Privilege denied to their unchartered brethren. Privilege more valuable by far than the immunities of a German Baron, a French Duke, a Spanish Grandee, or an Italian Prince. Laying political authority aside, there is not in all Europe, (the assertion is deliberately made,) a nobleman among them all, that possesses peculiar privileges as much worth having, as the special civil powers of the Bank Directions of America. Even the banking system of Europe is infinitely more democratic than our own.

Among the moneyed men of the old world, whatever license one has, all have ; whatever restriction falls on one, is made to fall on all. But how is it with us ?

“ Few of our charter-holders have reflected much upon the nature of the privileges they enjoy, and fewer still have felt compunction at the thought that what they are thus enjoying has been denied to the rest of the community. But known to them or not, it is nevertheless true. The want of consciousness of their advantage relieves them from the charge of deliberate exclusiveness. Still the fact is not the less a fact, that the Chartered Bankers of America enjoy favours without a parallel in nobility-ridden Europe. To be an American bank director is to be raised high above the heads of the unchartered million. To be an American bank director is to exercise a prerogative, vast at all times, but at this moment almost princely. It is to wield a power that, if it pleases, may subdue the proud to the most humiliating sacrifices, buy over by timely largesses the venal and the weak, and terrify into submission the gentle and the good. It is to hold the purse-strings of a boundless commerce, with an exclusive right to sell, drop by drop, the natural nutriment of trade. To be an American bank director is to be an American nobleman without the publicity and the disadvantage of the visible decoration. Let me hear the answers to this allegation. It will perhaps be said that a charter is not a title of nobility, because it does not come by right of birth, or by patent from the prince. Was this the meaning of the Constitution when it solemnly decreed that no *state* shall grant a title of nobility ? Most surely not. It contemplated noble privileges, emanating from the *legislative* power. It may be urged that a bank charter is not a *title* of nobility, because it only grants exclusive *powers* and not distinctive *appellation*. A state, we shall be gravely told, may grant *nobility* but

not *titles of nobility*. It may, for due considerations, lay in the lap of some great family the monopoly of grain, the *regie* of cotton or tobacco, the special privilege of dealing in exchange, or the imperial franchise of printing the acknowledgments of its debts. But it may not deck it with a sounding adjective. It may not designate it "Illustrious," or "Serene." It may grant to the meanest citizen all the prerogatives that make a prince; it may give away for ever the very essence of its sovereignty, but a sonorous epithet it shall not give. It may *make* a man a monarch, but it shall not *label* him a lord. Need I answer an assumption so unspeakably absurd?"

The author of the above new view of a very important subject has promised to continue his speculations, and we hope, for the sake of the public good which such investigations are calculated to effect, that he will redeem his pledge. We have been in the habit for a long time, of speaking very freely on the subject of the exclusive privileges of our chartered aristocracy, and have frequently, for the purpose of bringing the system into disrepute, termed those who are enjoying its advantages, the scrip nobility, and the noble order of the money-changers. The peculiar privileges which they exercise (and exercise very tyrannously at times,) we really considered, in point of fact, fully equal to those of any order of European nobility, and, in their tendency to undermine our democratic institutions, highly insidious and dangerous. But we have not before been led to reflect that the act which constitutes the exclusiveness of these rights and immunities is a grant of titles of nobility, in positive contravention of an express provision of the Constitution of the United States. We tender to *Anti-Privilege* our cordial thanks for the flood of new and useful light he has shed upon this subject.

We have heretofore looked on the restraining law as

an unequal, unnecessary, and unjust restraint on the natural freedom of capital and industry. We shall hereafter look upon it with augmented abhorrence as a positive violation of the Constitution of the United States, in a respect which was meant to guard the American people from the approaches of aristocracy. We have heretofore looked upon banking incorporations, which that law encircles and protects, as possessed of privileges incompatible with the principle of equal rights, a principle which constitutes the very foundation of human freedom. We shall hereafter look upon them with increased aversion, as the possessors of actual titles of nobility, distinguished by more objectionable features than the patents of the European aristocracy ; and we shall labour with renewed zeal to enfranchise the community from their degrading subjection to the noble order of the money-changers.

THE INEQUALITY OF HUMAN CONDITION.

From the Plaindealer, December 31, 1836.

THE venerable Sir Thomas More, in a work wherein he has availed himself of the convenient latitude of fiction to utter many important political maxims and opinions, which might not have been tolerated, in his days, had they been put forth in the sober guise of literal truth, has expressed numerous sentiments in regard to the errors and abuses of government, which apply with as much force and accuracy to our times and country, as to his. "Is not that government both unjust and ungrateful," he asks, "that is prodigal of its favours to those who are goldsmiths and bankers, and such others as are idle, and live either by flattery, or by contriving the arts of vain ease ; and, on the other hand, takes no care of those

of a meaner sort, such as ploughmen, colliers, and smiths, without whom it could not subsist ? After the public has reaped all the advantage of their service, and they come to be oppressed with age, sickness, and want, all their labours, and the good they have done, is forgotten ; and all the recompense given them is that they are left to die in great misery. The richer sort are often endeavouring to bring the hire of labourers lower, not only by their fraudulent practices, but by the laws which they procure to be made to that effect ; so that, though it is a thing most unjust in itself to give such small rewards to those who deserve so well of the public, yet they have given those hardships the name and colour of justice, by procuring laws to be made for regulating them."

Who, that knows anything of our legislation, can read this passage, without perceiving that it applies as strongly to the condition of things among ourselves, as if it had been written purposely to describe them, and not those which existed in England three centuries ago ? Our government, like that against which the complaint was urged, is prodigal of favours to bankers and others, who choose to live in idleness by their wits rather than earn an honest livelihood by the useful employment of their faculties ; and like that, it makes no laws conferring privileges and immunities on the "common people," who look to their industry for their support. The farmers, the labourers, the mechanics, and the shopkeepers, have no charters bestowed upon them ; but the only notice they receive from the law is to forbid them, under heavy penalties, from interfering with the exclusive rights granted to the privileged few.

A very casual and imperfect survey of society, in regard to the vast disparity of condition it presents, must satisfy any reflecting mind that there is some great and pervading error in our system. If the inequalities of ar-

tificial condition bore any relation to those of nature ; if they were determined by the comparative degrees of men's wisdom and strength, or of their providence and frugality, there would be no cause to complain. But the direct contrary is, to a very great extent, the truth. Folly receives the homage which should belong only to wisdom ; prodigality riots in the abundance which prudence has not been able to accumulate, with all his pains ; and idleness enjoys the fruits which were planted and cultivated by industry. It is not necessary to state these facts in figurative language, in order to render them worthy of serious and attentive consideration. Look through society, and tell us who and what are our most affluent men ? Did they derive their vast estates from inheritance ? There are scarcely a dozen wealthy families in this metropolis whose property descended to them by bequest. Did they accumulate it by patient industry ? There are few to whom an affirmative answer will apply. Was it the reward of superior wisdom ? Alas, that is a quality which has not been asserted as a characteristic of our rich. Whence, then, have so many derived the princely fortunes, of which they display the evidences in their spacious and elegant dwellings, in their costly banquets, their glittering equipages, and all the luxurious appliances of wealth ? The answer is plain. They owe them to special privileges ; to that system of legislation which grants peculiar facilities to the opulent, and forbids the use of them to the poor ; to that pernicious code of laws which considers the rights of property as an object of greater moment than the rights of man.

Cast yet another glance on society, in the aspect it presents when surveying those of opposite condition. What is the reason that such vast numbers of men groan and sweat under a weary life, spending their existence in incessant toil, and yet accumulating nothing around

them, to give them hope of respite, and a prospect of comfort in old age? Has nature been less prodigal to them, than to those who enjoy such superior fortune? Are their minds guided by less intelligence, or their bodies nerved with less vigour? Are their morals less pure, or their industry less assiduous? In all these respects they are at least the equals of those who are so far above them in prosperity. The disparity of condition, in a vast multitude of instances, may be traced directly to the errors of our legislation; to that wretched system, at war with the fundamental maxim of our government, which, instead of regarding the equality of human rights, and leaving all to the full enjoyment of natural liberty in every respect not inconsistent with public order, bestows privileges on one, and denies them to another, and compels the many to pay tribute and render homage to the few. Take a hundred ploughmen promiscuously from their fields, and a hundred merchants from their desks, and what man, regarding the true dignity of his nature, could hesitate to give the award of superior excellence, in every main intellectual, physical, and moral respect, to the band of hardy rustics, over that of the lank and sallow accountants, worn out with the sordid anxieties of traffic and the calculations of gain? Yet the merchant shall grow rich from participation in the unequal privileges which a false system of legislation has created, while the ploughman, unprotected by the laws, and dependent wholly on himself, shall barely earn a frugal livelihood by continued toil.

In as far as inequality of human condition is the result of natural causes it affords no just topic of complaint; but in as far as it is brought about by the intermeddling of legislation, among a people who proclaim, as the foundation maxim of all their political institutions, the equality of the rights of man, it furnishes a merited reprehension.

That this is the case with us, to a very great extent, no man of candour and intelligence can look over our statute books and deny. We have not entitled ourselves to be excepted from the condemnation which Sir Thomas More pronounces on other governments. "They are a conspiracy of the rich, who, on pretence of managing the public, only pursue their private ends, and devise all the ways and arts they can find out, first, that they may, without danger, preserve all that they have so acquired, and then that they may engage the poor to toil and labour for them, at as low rates as possible, and oppress them as much as they please."

[*From the Plaindealer, December 31, 1836.*]

A MORNING print in this city, contained a long article, on Wednesday, in which it was maintained, that the right of a free discussion of the question of negro slavery ought to be put down by popular clamour and violence. The writer admits that there is "no remedy at law," and "no constitutional safeguard," against a free discussion of the subject; and therefore recommends to the people, in open and express terms, to silence the opponents of slavery by tumult. The following is the passage:

"Let them crush and overpower their ravings, by noises still louder, and hiss them from the community. We allow the remedy is extreme, but so is the disease. We know that we shall be denounced as the advocate of mobs, just as the popular leaders of the revolution, in this city and elsewhere, were stigmatized as demagogues, because they appealed to the people, when those who made and administered the laws, had not the power, or lacked the patriotism to protect them against their enemies. Be

it so: we shall not the less continue to call upon the people, and invoke the popular feeling to rise in self-defence and in defence of their peace and their Union."

"Just as the popular leaders of the revolution were stigmatized as demagogues!" The seditious print desires to place itself in a noble category: but we are glad it admits that the measure proposed *is revolutionary*, and we trust there is strength enough in the laws, and energy enough in their ministers, to teach the leader in theatrical brawls, that he is now laying violent hands on something too sacred to admit of further forbearance. The leaders of the revolution were "popular," because they sought to overthrow a government which denied men "the blessings of liberty;" the leaders of a revolution who seek to overthrow "the blessings of liberty," and establish the worst of tyranny instead, that dreadful despotism which denies the freedom of speech, will, we think, hardly find themselves on the popular side.

"We know we shall be denounced as the advocate of mobs!" Prophetic journal! It sees the sentence that awaits it, as clearly as the felon foresaw his doom when the executioner's cart was carrying him to Tyburn. What a pity to denounce, as the inciter of mobs, the print that only calls upon the people to break tumultuously into the halls where men of worth and intelligence are quietly engaged in grave and lawful deliberations, and drown their proceedings with senseless and frantic clamour! But it advises no violence. Oh no! Tar and feather them a little, tweak their noses, spit upon them, and bestow a few gentle kicks perhaps; but not a jot of violence. Strange, that such moderate counsels should expose one to be denounced "as the advocate of mobs!"

FRANKING PRIVILEGE.

[*From the Plaindealer, December 31, 1836.*]

WE have received a letter from Washington, from a private individual, on his own private business, enclosed in an envelope, franked by a Member of Congress. These frauds upon the government, we have reason to believe, are very common; but as we do not choose to be an accomplice, even after the fact, in a piece of swindling, we shall expose every such instance of cheaterly in which it is attempted to make us a participant.

LEADING PUBLIC OPINION.

[*From the Plaindealer, January 21, 1837.*]

THERE are several public journals in this country which, owing to circumstances of position, deserve and receive a good deal of attention from the newspaper press generally, to which very little respect would be due on account of any intrinsic qualities they possess.

What is leading public opinion? Public opinion we take to be composed of the opinions of individuals. When the sentiments of a majority of the thinking men of a community concur, on any given subject, their opinions are the public opinion. Any person who, whether by the mere influence of his character, or by argument, seeks to change, to any extent, the prevailing opinion, or the views of any individual of the prevailing number, may be said, in a certain sense, to assume the character of a leader of public opinion. Every man's example is, in a greater or less degree, a leading influence; and it is not merely the undoubted right, but it is the imperative duty of a good citizen, to do all within the compass of

his opportunities, to lead the public opinion aright ; to lead it in the direction which he conceives will most effectually promote general prosperity and social order and happiness.

If this is the duty of a private individual, it becomes, in a much stronger point of view, that of the conductor of a newspaper press. His vocation is emphatically that of a public leader. Its obligations are very imperfectly and impotently discharged, if he confines himself to the mere drudgery of chronicling events. It requires him to maintain principles, investigate measures, expose the evil motives and effects of erroneous public conduct, tear off the veil in which sophistry conceals its object, and assist the cause of truth with every argument that reason can furnish, and every embellishment that fancy affords. To discharge fully the duties of a public journalist would be to elevate the vocation to the loftiest summit of human dignity and usefulness. A public journalist, animated with a due sense of the obligations of his responsible trust, and gifted with the faculties, intellectual and physical, for their adequate performance, would well deserve to be a public leader in a more extended signification of the phrase than that in which we desire it should be understood. He should have a mind filled with a great variety of human learning, and a ready command of all its stores. He should have a head cool, clear, and sagacious ; a heart warm and benevolent ; a nice sense of justice ; an inflexible regard for truth ; honesty that no temptation could corrupt ; intrepidity that no danger could intimidate ; and independence superior to every consideration of mere interest, enmity, or friendship. He should possess the power of diligent application, and be capable of enduring great fatigue. He should have a temperament so happily mingled, that while he easily kindled at public error or injustice, his indignation should never transgress the bounds of judgment, but, in its

strongest expression, show that smoothness and amenity which the language of choler always lacks. He should, in short, be such a man as a contemporary writer described that sturdy democrat, old Andrew Fletcher, of Saltoun—"a gentleman steady in his principles; of nice honour; abundance of learning; brave as the sword he wears, and bold as a lion; a sure friend, and irreconcilable enemy; who would lose his life readily to serve his country, and would not do a base thing to save it." This is the *beau ideal* of the character of a conductor of a political newspaper.

When Imlac, in *Rasselas*, was in the full torrent of his enthusiastic description of the various qualifications necessary to constitute a poet, he was suddenly interrupted by the Prince with the exclamation, "Enough! thou hast convinced me that no human being can be a poet. Proceed with thy narration." In the same way, the reader may be disposed to interrupt us here, and tell us that we are drawing an outline of an editor which no human being can fill. It is nevertheless the model which all who undertake the vocation should propose to themselves, and according to the degree in which their emulation succeeds is the approbation they deserve. When Cowper described the character of Paul as the object of clerical imitation, it was with no hope that the most devout and diligent of the priesthood could ever fully emulate the excellence of the apostle's character; and it was certainly with no intention of imputing to even the humblest of that class a spirit of arrogance in undertaking the functions of the holy office. In the same way, it seems to us, the charge of arrogance is misapplied, when aimed at those who, like ourselves, have neither the natural nor acquired talents necessary to the most perfect discharge of editorial functions. Circumstances thrust one man into one vocation, and another into another;

and all that can justly be required of him, is that he should exercise with diligence and fidelity such talents and skill as he has, to promote the interests of truth and of his fellow-man. Every physician cannot be a Boerhaave or a Rush; every lawyer a Coke or a Hamilton; nor every newspaper editor an Ames or a Bryant. But it is in the power of every one to be an honest man, and to exert his powers, with constant assiduity and integrity, for the promotion of sound principles of public government, or, in other words, to lead the public opinion aright. The conductor of the humblest newspaper occupies the centre of a circle of larger influence, than more commanding intellects, if shut out from access to the press; and the duty to obey punctually, *but censure freely*, which Jeremy Bentham sets down as a maxim for the government of every good citizen, should be considered especially incumbent upon him.

THE MASSACHUSETTS MADMAN.

Though this be madness, yet there's method in it.—HAMLET.

[*From the Plaindealer, January 21, 1837.*]

THE phrase which we make use of as a title for this article is furnished by the *Albany Argus*.

“It will be seen, by the congressional report, that Mr. Adams, and the abolition members of Congress, have started the old game of agitation in the House of Representatives. No doubt the design is to waste as much as possible of the public time, at this short session, upon a question not less fruitless than mischievous. How discreditable is it to the country, that the *Massachusetts madman* is permitted, not only to outrage all order and decorum in the house, but to scatter incendiary evil and excitement throughout the country !”

What an exquisite sense of "order and decorum" the *Albany Argus* displays! What dignity, what respect for the character which should distinguish the state paper, and what deference for a man who has filled the highest office in our republic, this modestly worded paragraph evinces! There is something in the circumstance of Mr. Adams being *permitted* to make a motion in the House of Representatives, which, we must confess, deserves strong rebuke; and our only wonder is that the *Albany Argus* could so admirably command its temper, as to confine itself to so gentle a reprimand. "The Massachusetts Madman" merits harsher treatment. He should have been denounced, in the bitterest terms, as a bald-headed and paralytic dotard, for the unparalleled audacity he has been guilty of, in presenting a petition of his constituents to the House of Representatives, and asking that it might be appropriately referred. Such atrocious conduct could proceed only from the weakest head and the worst heart; and we are surprised that the *Albany Argus* lets him off so easily. We cannot refrain, however, from inviting the attention of our readers to its paragraph, as a model of newspaper suavity and decorum.

That Mr. Adams is a madman there is medical authority for asserting. A physician being called on as a witness, not long since, in this city, in the case of a trial before one of our courts, in which an attempt was made to prove one of the parties insane, defined madness to consist in conduct or opinions differing from those of the mass of mankind. Mr. Adams differs very widely, alas! from the mass of mankind, both in conduct and opinions, if we are to take the House of Representatives as a fair criterion of public sentiment. He strangely believes that slavery is an evil; that Congress has constitutional jurisdiction, in all respects, over the District of Columbia; that the right of petition is guaranteed to all citi-

zens by the federal compact; and that the right of speech justifies him in expressing his sentiments, even on the tabooed question of abolishing involuntary servitude. To these crazy opinions, he adds the crazy conduct of persisting in expressing them; and thus comes doubly within the category of madman. To express unpopular opinions, now-a-days, is not only deemed madness, but madness of that aggravated kind which calls for the harshest treatment of bedlam. The soothing system is out of place here. That is proper to be applied only in the milder forms of lunacy. But the man who is so utterly frantic as to express unpopular opinions, should be dealt with somewhat after the fashion that keepers of insane hospitals deal with their raving and delirious patients. Instead of ordinary habiliments, his limbs should be swathed in a species of straight waistcoat—an unguentous integument, composed of molasses and boiling tar; he should be placed on a diet of rotten eggs; and for exercise, ridden a few miles, at a sharp trot, on a wooden rail. This is the mode of treatment which the madness of uttering unpopular opinions is considered as calling for, and we faithfully copy the prescription from the latest edition of the Political Pharmacopœia, a chapter of which was transcribed from the *Westchester Spy* in the last number of our paper.

It has been discovered, we believe, of late years, in Great Britain, that a free use of the *halter* is not the best possible mode of preventing petty crimes; and there are some who will probably question whether *tar and feathers* are a sovereign specific for the disease of abolitionism. Insanity, of the kind which the Massachusetts Madman displays, is certainly wonderfully on the increase. It has got to be an epidemic in the land; and what is most surprising, cases of the most aggravated description, and in the greatest numbers, occur in those neighbourhoods

where the remedial measures have been most energetically applied. We have our doubts even, if some patriotic practitioner, should administer a dose of tar and molasses to Mr. Adams, whether the result would not be, not to effect a cure, but to spread the disease. The operation seems to be somewhat like that of the means adopted by the British Government to plant the Episcopal Church in Ireland, which, according to the London Examiner, have done more to advance the cause of Popery, than could have been effected by a hundred Colleges *de Propaganda*. A hundred thousand undisturbed lecturers on abolition, at all events, could not have done half so much to spread their doctrines, as has been effected by the violence of those who sought to suppress them. They have but pricked the sides of their intent. They have but spurred them to more rapid progress. Their opposition has but inflamed the spirit which it could not vanquish. Like the matadores and picadores of the Spanish national game, their darts and javelins torture, but do not kill, and only exacerbate the spirit of those baited men, who needed no additional impulse to sting them into activity.

The abolitionist, while fastened with galling ligatures to the stake, with his limbs shrinking and shrivelling under a flood of seething tar, if, in that moment of nature's extremest agony, his mind can rise superior to physical torture, has this glorious source of consolation before him : that the pangs he suffers will not be lost, but will awaken, in a thousand bosoms, such sympathy for his sufferings, and such indignation against his persecutors, as will do more than volumes of argument to draw attention to the evils of slavery, and promote the great and holy cause of universal emancipation. Mr. Adams, too, may patiently bear the abuse poured upon him, when he reflects that the feelings it is calculated to arouse in the

minds of all honourable men will have a salutary influence in preparing them for a due consideration of those important truths, of which he has shown himself such a fearless champion. The *Albany Argus* has done a service to the cause of freedom, by terming that venerable statesman the *Massachusetts Madman*.

RIGHTS OF AUTHORS.

[*From the Plaindealer, January 21, 1837.*]

WE welcome, thrice welcome, the estimable *Veto* to the columns of the *Plaindealer*, albeit he makes his first appearance as the opponent of views we have but recently and earnestly expressed. But truth is the spark struck out by the collision of opposite opinions ; and as it is truth alone which we desire to elicit, our correspondent is not less welcome than if he appeared on the same side of the argument with ourselves. His communication has commanded our attentive perusal ; and it deserves that of our readers. It proceeds from a mind animated with the most liberal motives, capable of comprehending the largest subjects, habituated to logical investigations, and possessing that power of lucid and perspicuous exposition, which usually distinguishes those who think with accuracy and order. We have read his essay, however, without being convinced of the soundness of its views ; and shall embrace this occasion of advertng to the subject, to state a few reasons for our difference of opinion.

The whole question of the propriety of an international copyright law, or a copyright law at all, resolves itself, we think, into the enquiry whether such a regulation would promote the greatest good of the greatest number. This is the principle which we conceive constitutes the

basis of the most important rights of property. They are artificial rights, not rights of nature. They are created by laws, not merely confirmed by them. This is obviously the case with regard to that species of property which the political institutions of all civilized countries regard with peculiar deference, and secure with particular care, and to which the distinctive appellation of *real estate* is given. The right of property in land, like the right to breathe the vital air of heaven, is, by nature, common to all mankind; and the only just foundation of individual and peculiar rights is furnished by the laws of the land. Locke, who goes as far as any writer in tracing the right of property to inherent causes existing anterior to political institutions, does not maintain that any thing gives to an individual a distinct and exclusive right to land, except in as far as by occupying it and mixing his labour with it, it becomes his own in such a sense that you cannot take it away without also taking the fruits of his labour, which, he contends, are his own by nature. Paley, on the contrary, in his book on *Relative Duties*, considers the law of the land the only real foundation of territorial property.

But let us, in conformity with the opinions of Locke and other accredited writers, concede that men have a natural right of property in the productions of their own industry and skill; that the mechanic, for example, has an exclusive right to the article he manufactures; the fisherman to the fish he catches; and the fowler to the birds he shoots. To the same extent the author has an exclusive natural right of property in the book he composes; that is, he has a natural right to the manuscript, so long as he chooses to retain it to himself. The process by which the mechanic fabricates a particular article is his property, so long as he keeps it secret. The peculiar arts of the fisherman and fowler are their proper-

ty, in the same way, until they communicate them. And the thoughts of the author are his property, equally, until he publishes them to the world. In all these cases, alike, so far as natural rights are concerned, they then become common property. Every body is at liberty to imitate the article manufactured by the mechanic ; to practice the artifices of the fisher and fowler ; and to copy the book of the author. Any further exclusive or peculiar property in them has no other foundation than the law.

The right of exclusive property, of the exclusive use and benefit of the fruits of one's own labour, is the great and secure foundation of social order and happiness. Without it, man would never rise above a semi-barbarous condition ; and in those communities where it is most securely guarded, we invariably find the highest degree of moral and intellectual refinement, the greatest general prosperity, and the most advanced condition of all the arts which sustain and embellish life. But we would have it understood, in passing, that this important and fundamental right is violated as fatally by unequal laws, by laws which give peculiar facilities for the acquisition of wealth to the few, and deny them to the many, as by those more obviously arbitrary edicts, which directly and openly deprive the labourer of his reward. The true security of the right of property consists in equal legislation.

If we are correct in the position assumed, that the exclusive natural right of an author to his production, like that of a mechanic to the fashion or device of his table or chair, extends no further than to his immediate copy, the question for society then to determine is, whether it is proper to create and guard this right by legal enactments ; and the decision of it, in our view of the subject, should rest solely on the consideration of the effect it would have on the interests of the great mass of man.

kind, or, to repeat Bentham's phrase, it should be decided according to the principle of "the greatest good of the greatest number." It is entirely within the competency of the law to make a literary production property, either absolutely and in perpetuity, or in a qualified sense, and, for a limited period of time. If government should choose to do neither, but leave the published book as free to be copied, as a new device in cutlery, a new style in dress, the author would be without reasonable ground of complaint, since he entered into the vocation without the prospect of any other advantage, than what necessarily and inalienably belongs to the opportunity of the first use of the fruits of his labours.

But if the law undertakes to establish a certain kind of property in the productions of authorship, "in the fruits of intellectual exertion," to use the language of our correspondent, it must fix the limit somewhere; and those intellectual labourers excluded from the vineyard, (and there would necessarily be many such) would then have some reason to complain of partial legislation. The farmer who, by a long and careful study of the processes of nature, discovers an improved method of tillage and culture, by which he can make his field yield a harvest of twofold abundance, ought surely not to be excluded from the category of those who benefit mankind by the fruits of intellectual exertion; yet the neighbouring farmer, who ploughs the adjoining field, copies his mode of tillage, and no one ever thinks of instituting a law to give the first a right of property, and secure to him the exclusive advantages of his discovery. The artist who spends days and nights of patient intellectual toil in devising tasteful and symmetrical patterns for the lace worker and silk weaver, sees the fruits of his intellectual labour copied as soon as they are exhibited; and does not dream of asking the security and advantage of any peculiar

legal rights. The natural advantage of the inventor, that he is first in the market, presents a sufficient stimulus to exertion, and secures, in most cases, an adequate reward.

If the principle of copyright were wholly done away, the business of authorship, we are inclined to think, would readily accommodate itself to the change of circumstances, and would be more extensively pursued, and with more advantage to all concerned than is the case at present. It is very much the fashion of the day to deride and decry cheap publications. We are not of the number who can join in the censure. The great good which the invention of printing originally effected, was to diffuse literature, and make books accessible to myriads, who were precluded from them before, by reason of the enormous prices at which manuscript copies were sold, What the first rude efforts of the printing-press were, in comparison with the slow and painful manipulations of the cloistered scribe, the art of cheap printing of the present day is to that art as it was practised by our fathers. It is spreading literature over the entire land. It is penetrating with it into every nook and corner of society. It is offering its golden fruits, ay, richer than gold, to the poor and ignorant, as well as to the rich and educated. It is awakening millions of human beings to a sense of their birthright; to acknowledge that they are God's creatures, and not beasts that perish. We are the friend of cheap literature, for it is the friend of humanity, and is exercising an important influence in the illustration of the most interesting problem of morals, the infinite perfectibility of man. If there were no copyright laws, all literature would take a cheap form, and all men would become readers. It would take a cheap form to preclude competition; and it would be widely diffused because of its cheapness. Instead of an edition of two,

or three, or five thousand copies, which never constitute, as a general rule, the maximum of a popular author's success, twenty, thirty, and perhaps a hundred thousand would be readily disposed of. Let us withdraw our attention, for an instant, from a contemplation of the interests of authors, to consider those of mankind at large. Who can fail to see how vastly the general benefit would be promoted? What a noble spectacle an entire nation of readers would present! With what intelligence and order would not its affairs be conducted! And if knowledge is power, what a vast influence it would exercise in the counsels of nations, and in directing the destinies of mankind!

But there is no need that we should throw the interest of authors out of sight in this consideration. On the contrary, we believe the benefit to themselves would be in an equal ratio with that to the community at large. If they were left without the protection of a copyright, their business would assume new forms. They would connect themselves, in schemes of extensive publication, with those whose facilities would put competition at defiance. The advantage of a first copy is in itself incalculable. With publishers of large capital, whose measures are wisely taken, it is worth more than ordinary copyrights. The Harpers, if we are correctly informed, pay British writers, for a duplicate copy in advance of publication in London, as much as some of the copyrights of some of the most favoured authors at home will command. Nobody attempts to reprint the Penny Magazine and Penny Cyclopædia upon Jackson; simply because, having by arrangement with the British publishers, the benefit of a first copy, he puts it in so cheap a form, and prepares so vast an edition, that competition is intimidated, as it has everything to lose and but little to gain. The advantages of a first sale, when the preparatory

steps are duly and discreetly taken, are prodigious. They constitute the author's natural and inalienable right; and we repeat our strong conviction that if he were left alone, the interest of both author and public would be most effectually promoted.

If we are right in the view we have taken of this subject; if it can be shown that the present system is wrong in itself, as tried by the greatest good principle; the argument in favour of the extension of the copyright law, so as to embrace the authors of other countries, falls to the ground. It is the same argument which we constantly hear used in favour of extending the grants of special charters. But if an evil exists in our system, it is the duty of good citizens to endeavour to abolish it, not to make it an excuse for instituting other evils. Our correspondent says truly and eloquently, that there is no ground on which our Congress can be bound to act according to a decision of the House of Lords, nor on which they are not at liberty, setting authority and precedent aside, to revert to the first principles of justice and expediency. Our institutions are founded on a maxim widely different from the fundamental principle of other governments; and it is proper that our legislation should be marked by an equally distinctive character. It is for this young and vigorous republic to set an example to the nations of the old world; and after those glorious principles of equal liberty which constitute the basis of our political fabric, we hardly know a measure which would tend in a larger degree to promote the best interests of mankind, than the enfranchisement of the press from the exclusive privileges of authorship.

OUT, DAMNED SPOT!

[*From the Plaindealer, January 28, 1837.*]

This blot, that they object against your house,
Shall be wiped out in the next Parliament.

SHAKSPEARE.

WE expressed, in a very brief paragraph in our last number, our sincere satisfaction that the blot which had been too long suffered to stain the journal of the United States Senate, had at length been expunged, through the persevering and praiseworthy efforts of Mr. Benton. We thank him, from the bottom of our heart, for the constancy he has exhibited in this good cause, and we rejoice most sincerely in the success by which he is at last rewarded.

The resolution upon which the brand of infamy and the sentence of expurgation is now passed, was adopted at a period of unprecedented party excitement. Of those who voted in favour of it, there is probably hardly an individual, who, were the matter to do over, would again record his vote in the affirmative. The judgment of men was blinded at the time by passion. Madness ruled the hour. The questions at issue were of the vastest moment; and they were, besides, precisely of that kind which most effectually appeal to the passions and prejudices of our nature, and most completely drown the still small voice of reason. Never, since the formation of our Confederacy, had any contest arisen, in which the two great antagonist principles that each yielded a grudging assent to the federal compromise, were again brought so thoroughly into active opposition, as in that struggle. The question that called them into strife, too, was a money question—it was one that directly and deeply affected the pecuniary interests of the community. On

both sides, and among all classes of people, the war was carried on with the most ruthless fury. In the epidemic frenzy of the period, argument was thrown wholly aside as a useless weapon, and abuse and declamation were greedily snatched up in its stead. The press did all it could to exacerbate the delirium, and the halls of Congress echoed and re-echoed with criminary and vituperative language, much fitter for the stews than for the council chambers of a great republic. It was during that period of political madness that the resolution was passed, pronouncing the President guilty of having violated the Constitution; and we repeat our firm conviction that, were the act yet to do, under the altered and happier temper of the present time, hardly one who voted for the measure would be willing now to occupy the same ground.

That the resolution condemning the President was unconstitutional, that it was not merely without the warrant of constitutional law, but in direct and palpable violation of the express provisions of the federal charter, seems to us a matter too clear for argument. We should almost as soon think of proving the axioms of geometry, the self-evident propositions of Euclid. It was a violation, moreover, not merely daring and flagitious in its immediate character and object, but, as a precedent, fraught with the direst mischief. If we even admit that to expunge this resolution is also a violation of the Constitution, we think there are few who will deny that, at worst, it is an offence of a far more venial and innocuous kind. One might infer, however, from the solemn and lugubrious protest which Mr. Webster has thought proper to deliver on the occasion, that this expunging process was an act fatal to the liberty of the country. We have seldom met with anything more supremely ridiculous than the stilted, mock-tragedy style of this speech,

considered in reference to the occasion which elicited it. It commences in the following manner :

“ Mr. President : Upon the truth and justice of the original resolution of the Senate, and upon the authority of the Senate to pass that resolution, I had an opportunity to express my opinions at a subsequent period, when the President’s protest was before us. Those opinions remain altogether unchanged.

“ And now, had the Constitution secured the privilege of entering a protest on the journal, I should not say one word on this occasion ; although, if what is now proposed shall be accomplished, I know not what would have been the value of such a provision, however formally or carefully it might have been inserted in the body of that instrument.

“ But, as there is no such constitutional privilege, I can only effect my purpose by thus addressing the Senate ; and I rise, therefore, to make that protest in this manner, in the face of the Senate, and in the face of the country, which I cannot present in any other form.

“ I speak in my own behalf, and in behalf of my colleague ; we both speak as senators from the state of Massachusetts, and, as such, we solemnly protest against this whole proceeding.

“ We deny that senators from other states have any power or authority to expunge any vote or votes which we have given here, and which we have recorded, agreeably to the express provision of the Constitution.

“ We have a high personal interest, and the state whose representatives we are, has also a high interest in the entire preservation of every act and parcel of the record of our conduct, as members of the Senate.

“ This record the Constitution solemnly declares shall be *kept* ; but the resolution before the Senate declares that this record shall be *expunged*.

“Whether subterfuge and evasion, and, as it appears to us, the degrading mockery of drawing black lines upon the journal, shall or shall not leave our names and our votes legible, when this violation of the record shall have been completed, still the terms ‘to expunge’ and the terms ‘to keep,’ when applied to a record, import ideas exactly contradictory ; as much so as the terms ‘to preserve’ and the terms ‘to destroy.’

“A record which is *expunged*, is not a record which is *kept*, any more than a record which is *destroyed* can be a record which is *preserved*. The part expunged is no longer a part of the record ; it has no longer a legal existence. It cannot be certified as a part of the proceedings of the Senate for any purpose of proof or evidence.”

The play on the words *kept* and *expunged* is worthy of the occasion. As there were no solid reasons to offer against the course which Mr. Benton’s resolution proposed, this jingle of antithetical expressions was resorted to as a melancholy substitute for argument, and with most amusing and lackadaisical gravity does Mr. Webster tinkle and clink these two harmless words together, producing all possible dissonance from the clashing of their unsonorous syllables. To expunge is not to keep, and to keep is not to expunge ; that which is expunged is not kept, and that which is kept is not expunged : this is the burden of his diatribe. Like Dicky Suett, “he trolls on the stock of those two words, richer than the cuckoo.”

We agree with Mr. Webster, that the part of the journal expunged, no matter what the mode in which the act of expunging is performed, or, in a mere literal sense, how complete or incomplete the process, is no longer any part of the record ; that it has no longer a legal existence. If not a single letter be effaced or obliterated by the lines which circummure in disgraceful imprisonment

the audacious resolution, thus penned up in perpetual infamy, it nevertheless ceases, in a legal sense, to be any portion of the record, as much as if the page which contains it were torn out and consumed in the fire. But in admitting this, Mr. Webster admits somewhat too much for his argument. He admits the constitutionality of the proceeding, and thus his sounding protest, uttered with such "awful state," falls to the ground, the only prop on which it stood being torn away by the same hand that took so much pains to build it up. If the majority of the Senate, in passing the expunging resolution, have transcended their constitutional warrant, the journal is not expunged, but merely blotted; it is no more expunged in a legal sense, than if the Clerk of the Senate had accidentally spattered a little ink upon the page. It can still be certified, for any purpose of proof or evidence, as a part of the proceeding of the Senate; and should it be objected to as having been expunged, the answer obviously would be, that certain unauthorised persons, availing themselves of their right of access to the Senate chamber, had audaciously embraced the opportunity to disfigure the journal of its proceedings. If Mr. Benton and those who acted with him were without constitutional warrant, what they have done is of no great effect in impairing the legal validity of the resolution expunged, than if the same thing had been effected by some mischievous boy in the lumber garret of the capital. The resolution is either constitutionally expunged, or it is not expunged at all.

But we maintain that it is expunged, and we rejoice at it. We maintain that it is expunged, because we think it is susceptible of the clearest proof that the act was fully within the constitutional power of the Senate. We rejoice at it, because the original resolution was a manifest and shameful usurpation of power, expressly prohi-

bited to the Senate by the most imperative terms of the federal charter; and as such ought to be distinguished from all other proceedings, and made conspicuously odious, by such marks of deliberate reprobation as those which now encircle it and are inscribed upon its front. Mr. Webster can find but one meaning to the word *keep*, and that as synonymous with *preserve*. To keep a diary, however, is not to preserve a diary; to keep a set of books is not to preserve them; and to keep a journal is not to preserve it. The meaning of the word, as used in connexion with a written record of any kind, is clearly established by all usage, not as synonymous with *preserve*, but as synonymous with *write*, or *record*. Thus, you say of your clerk, he *keeps* your accounts; though his duty may merely be to *write* or *record* your accounts in a book, of which you retain the custody yourself. Your book-keeper is the recorder of your accounts, not the preserver of your books, which, as a totally separate and distinct office, he may or may not perform. If it had been the intention of the constitution to enjoin the preservation of the journal, and to forbid all subsequent alteration of any portion of the record, the phraseology of the clause would doubtless have been less ambiguous. As it now stands, it presents, according to Mr. Webster's reading, the anomaly of using one word in a double sense. "Each house shall *keep* a journal of its proceedings;" that is, "each shall *write* a journal of its proceedings," and "each house shall *preserve* a journal of its proceedings." This would truly be an instance of singular economy in language, if the framers of the constitution were so solicitous, as Mr. Webster seems to think, to have the clause understood in its twofold import.

We quote another passage from Mr. Webster's "Protest."

"We have seen, with deep and sincere pain, the legis-

latures of respectable states instructing the senators of those states to vote for and support this violation of the journal of the Senate; and this pain is infinitely increased by our full belief, and entire conviction, that most, if not all, these proceedings of states had their origin in promptings from Washington; that they have been urgently requested and insisted on as being necessary to the accomplishment of the intended purpose; and that it is nothing else but the influence and power of the executive branch of the Government which has brought the legislatures of so many of the free states of this Union to quit the sphere of their ordinary duties for the purpose of co-operating to accomplish a measure, in our judgment, so unconstitutional, so derogatory to the character of the Senate, and marked with so broad an impression of compliance with power.

It would have been edifying if Mr. Webster had condescended to explain, in this connexion, the influences which were employed to procure the passing of the resolution which has now happily been expunged for ever from the record. If we were to admit that the "legislatures of respectable states" have been operated upon in the manner alleged by him, we should still maintain that it was far less shameful to be moved by the influence and power of the President of the United States, than to stand at the beck and nod of the nimble-tongued money-changer, whose largesses and bribes caused so many senators to crouch at his feet, and submissively avow their readiness to perform his behests.

Mr. Webster's speech, as it draws near its conclusion, waxes more and more solemn.

"We make up our minds to behold the spectacle which is to ensue. We collect ourselves to look on, in silence, while a scene is exhibited which, if we did not regard it as ruthless violation of a sacred instrument, would appear

to us to be little elevated above the character of a contemptible farce."

He prepares to die with dignity ; to muffle up his face in his senatorial mantle, and fall at the feet of the murdered constitution, which all the while runs blood. But his courage fails him in the trying moment. The conspirators advance—the secretary raises the fatal pen—the imprisoned resolution is shut up in its eternal walls of black—the Constitution is violated—and where is Daniel Webster ? He had made up his mind to behold the spectacle ; his heart was as brave as a lion ; but his legs were cowardly, and had ran away with him.

Upon the whole, we are free to say that Mr. Webster made out, in the unpleasant circumstances in which he was placed, quite as well as could have been expected. It was an awkward business he had to perform at best, and the character of a stickler for the Constitution was one in which he was making his first appearance. If he had begun his practice in the part in 1834, he would have avoided altogether the occasion of this last and mortifying display.

As for Mr. Benton, he has redeemed his pledge nobly. He promised, almost in the words we have placed as a motto at the head of this article, that he would pursue that wicked resolution, which condemned the President, without a trial and without a hearing, until it should be effaced from the journal of the Senate. The oath which he took over the violated Constitution was characterized by all the fervour of that of Junius Brutus over the violated body of Lucretia, and faithfully has he kept his vow. He has redeemed the character of the Senate ; he has effaced the disgraceful record ; he has wiped out the "damned spot."

WORDS ARE THINGS.

[*From the Plaindealer, January 28, 1837.*]

“IT is understood that General Santa Anna had an interview, with the President of the United States, at the Palace, on Thursday, and was kindly and courteously received by him. They met again, it is said, a second time, yesterday. The subject of this conference may be inferred probably from the tenor of the official papers, of which copies were sent to the Senate on Thursday last.”

We copy the above paragraph from the *National Intelligencer*, of last Saturday, for the purpose of animadverting on its phraseology. “Words are things,” and by acquiring a habit of using familiarly terms which belong appropriately to a state of things the opposite of those which exist under our institutions, the mind may be gradually led to regard the things themselves with less dislike. The above paragraph is meant as a serious and plain announcement of a fact in which it was thought the public would take an interest. The word *palace*, therefore, as applied to the President’s house, is entirely out of place. A palace is a royal residence, the abode of a prince. We have no palaces in this country, as we have no princes. The nomenclature of monarchies and aristocracies is wholly inapplicable to the institutions of a federal democracy. The word *palace* has but two significations; the one literal, a royal residence; and the other figurative, a house pre-eminently splendid. In neither signification is it truly applicable to the President’s house, which is simply the abode of a fellow-citizen, having no princely rights or immunities, but merely filling a delegated trust, of limited powers, and for a limited duration of time; and which is besides very far inferior in splendour to the residences of many private citi-

zens. This abuse of words would hardly have elicited attention, and certainly would not have provoked a comment, had we met with it in a newspaper which habitually indulges in the cant dialect of party. We do not know that we should have noticed it had it appeared in one of the vulgar paragraphs of the *Globe*; but in a journal usually so accurate and circumspect as to manner, as well as matter, in all statements of facts, as the *National Intelligencer*, we own it occasioned us some surprise. If the President's house is to be seriously spoken of as the Palace, the President himself will next be designated by some appellation of royalty. The term *palace*, in this application grates harshly enough on the ear, when it is used in the derisive or ironical language of party exasperation; but in a calm and decorous statement, such as that of the *National Intelligencer* was doubtless meant to be, of a mere circumstance of personal news, in which it was thought the public would feel an interest, without the slightest reference to party divisions, it seems to us singularly out of place and improper.

FREE-TRADE POST OFFICE.

[From the *Plaindealer*, February 4, 1837.]

A BILL, it will be seen, is now before Congress, reported by the Post Office Committee, the object of which is to carry into effect the recommendation in the Postmaster General's last annual report, on the subject of epistolary communication between the inhabitants of this country and Great Britain. That report, it will be recollected, contained the following passage:

"The attention of the undersigned has been urgently called by the deputy postmaster general of the British North American Provinces to the insecurity of corres-

pondence carried on through the packet ships between Canada and the United States on the one side, and the British isles on the other. Valuable letters and packets sent from Canada through the port of New-York, and from various parts of the United States, never reach their destination. The only effectual remedy which suggests itself, is, a regular mail across the ocean, and a direct connexion between the post offices of the two countries. By a reciprocal arrangement, mails might be interchanged between the post offices in New-York and Liverpool, or any other foreign port, to be conveyed by the packets, or other vessels under contract. The number of letters now crossing the ocean is so great, that a moderate postage on them would pay the cost of their transportation. There is scarcely a doubt that such an arrangement may be effected, if Congress shall think it expedient to grant the necessary power."

This power, we presume, will be granted by Congress, and it is not improbable that the bill will have been passed into a law before these remarks are presented to our readers. It is therefore with no expectation of arresting or changing, in the slightest degree, the course of action on the subject, that we choose it as the theme for our speculations in the present article; but merely because it may answer a useful purpose to invite the reader's mind to a consideration of what constitute the proper functions of political government, and how far the principle of unrestricted competition may be safely left to form its own laws and supply the wants of society.

Everybody must admit that the Post Office, as a branch of the Government, is an institution obviously and inevitably liable to the most prodigious abuses. Under the present system, there are some twelve or fifteen thousand postmasters, holding their appointments directly from one man, and removable at his mere will. Nearly

all this numerous army of postmasters, at least a full myriad of them, have subordinates under their control ; and if we include in the estimate the contractors, drivers, carriers, and the various other persons more or less dependent for support on the enormous system, it will probably yield an aggregate of not much less than half a million of persons under the immediate direction, to some extent, of a single individual, seated at the head of the federal government. Can any one be so blind as not to perceive, at a glance, that this is a monstrous power, at all times susceptible of being exerted, with the most dangerous effect, for the advancement of objects hostile to the true interests of the people? We do not ask the question with reference to the present, or the past, or any future administration, or with particular reference to any event which has occurred or is likely to occur ; but simply in reference to the subject in the abstract, and to the aspect it presents under all the changes and fluctuations of party affairs.

It is not only the vast means of undue influence which the present system gives to a single federal officer, in enabling him, to some extent, directly to control the suffrages of a numerous body of organized dependents ; but the facilities it furnishes for the rapid and simultaneous diffusion of political intelligence which it may be desired to circulate, for the obstruction of that of a contrary tenor, and for the exercise of all the arts of political espionage, also render the Post Office, as a branch of government, a dangerous institution. If this is a danger not necessary to be incurred ; if the duties which it performs are a matter of trade which might safely be left to the laws of trade ; and if the transmission of our letters and newspapers, from place to place, might be submitted, with salutary results, to the operation of the same principles which now secure the carrying of our merchandize

and our persons, there are many who will readily admit that the free trade system, as tending to simplify the offices of government and restraining its powers, would be better than one of political regulation. We are ourselves strongly inclined to the belief, that if the clause in the federal charter which gives to Congress the control of the Post Office had never been inserted, a better system would have grown up under the mere laws of trade. The present system, let it be conducted as it may, can never, in the nature of things, be wholly free from political abuses, and is always in danger of being converted into a mere political machine. The abuses which are its inevitable incidents, will necessarily increase from year to year, as the population swells in numbers, and spreads over a wider surface. It must always, managed by political intermediaries and rapacious subordinates, be attended with a vast amount of unnecessary expense; and this expense must be drawn from the people by a method of taxation in utter violation of their equal rights.

Should the history of this Confederacy stretch out for ages, it will probably never exhibit to the world the spectacle of a chief magistrate combining more exalted qualities than distinguish him who now occupies that lofty station. Sincerer patriotism and more unbending integrity no man can ever possess. Sagacity, firmness, restless activity, and unceasing vigilance, are also among his characteristics. Yet even under his administration, what numerous and not unfounded complaints have vexed the ears of the people of the errors and mismanagement of the Post Offices! Much of the clamour, beyond all question, arose out of party motives, and had no reasonable foundation; but much, on the other hand, was prompted by real delinquency, and was little exaggerated beyond the warrant of truth. If these abuses have existed during the administration of Andrew Jackson, it

is not probable that they will not recur under future Presidents. They are inseparable from the system. It is a government machine, cumbrous, expensive, and unwieldy, and liable to be perverted to the worst of uses.

On what principle is the line drawn which separates the matters which are left to the laws of trade, from those which are deemed to require political regulation? The Post Office is established for the purpose of facilitating intercourse by letter between different places. But personal intercourse, though less frequently necessary, is not less positively so, than communication by correspondence. The intertransmission of merchandize is as necessary as either. Why should the government confine its mediation to the mere carrying of our letters? Why not also transport our persons and our goods? These objects, it will be answered, are readily accomplished by the laws of trade, and may therefore properly be left to individual enterprise. But what constitutes this the precise point where the laws of trade become impotent, and where individual enterprise needs to be substituted by political control?

If the clause of the Constitution under which the Post Office establishment exists were struck from the instrument to-morrow, is any one weak enough to suppose that the activity of commerce would not soon supply a system of its own? Modes of conveyance would be instituted at once; they would speedily be improved by the rival efforts of competition; and would keep pace, step by step, with the public demand. It may be said that places far inland and thinly inhabited would suffer by the arrangement. The solitary squatter in the wilderness might not, it is true, hear the forest echoes daily awakened by the postman's horn, and his annual letter might reach him charged with a greater expense than he is now required to pay. But there is no place on the map

which would not be supplied with mail facilities by paying a just equivalent; and if they are now supplied for less, it is because the burden of post office taxation is imposed with disproportional weight on the populous sections of the land. But there is no reason why the east should pay the expense of threading with the mail the thick wildernesses of the west, or of wading with it through the swamps and morasses of the south. This is a violation of the plainest principles of equal rights.

The subject of a free trade Post Office presents many considerations which it would be tedious to the reader to pursue to the end in all their ramifications. It is enough for the present that we lay before him a theme of meditation, which will exercise his ingenuity, and afford a not unprofitable incentive to thought. We open the mine, and leave him to trace its various veins of ore. Some of these lay obvious to view. The curse of office-hunting, for example, an inseparable incident of popular government, every year exercises, and in a ratio of prodigious increase, a pernicious influence on the political morals of the country. Under a free trade system of post office business this epidemic evil would necessarily be abated in a vast degree. But would you withdraw, it may be asked, the stimulus which our post office system, by extending mail routes through the wilderness, furnishes to emigration; which provokes a spirit of enterprise to explore the wilds of the west, and to plant colonies in the interminable woods and on the boundless prairies; which causes towns and villages to spring up where the wolf howled and the panther screamed but the week before; and covers with the activity of social life and industry the desert which, but for the impulse furnished by the government, would continue desolate and solitary for ages?

We have no hesitation to answer in the most direct

and unequivocal affirmative. All government bounties, of every shape and name, are as much opposed to our notions of the proper freedom of trade, as government restraints and penalties. We would withdraw all government *stimulants*, for they are bad things at best. But let no man suppose the progress of improvement would be thus retarded. Its direction might be changed, but its advance would be unobstructed. The country would continue to grow, from year to year, not less rapidly and more healthfully than now. Instead of the forcing system, which exhausts the soil, and brings forth only sickly and immature productions, we should merely adopt one of nature and of reason. We should merely leave water to flow in its proper channels, instead of endeavouring to compel its current, without reference to the laws of gravitation. The boundaries of population would still continue to enlarge, like ripples on a sheet of water, circle beyond circle ; but they would not be forced into unnatural irregularities, and to shoot out this way and that, according to the schemes of politicians and speculators, who, through interested agents in the halls of Congress, should choose to open roads and penetrate with the mails into places which, if left to the natural course of things, would sleep for centuries in the unbroken solitude of nature.

The project now before Congress, to which we adverted in the outset of this article, is liable to no objection, in our view, except that it adds new complication, and gives greater extent and firmness to the post office system under its political organization, thus rendering more distant and feeble our present slight prospect of economic reform.

THE NEWSPAPER PRESS.

[*From the Plaindealer, February 4, 1837.*]

By thee, religion, liberty, and laws,
Exert their influence, and advance their cause ;
By thee, worse plagues than Pharaoh's land befell,
Diffused, make earth the vestibule of hell ;
Thou fountain, at which drink the good and wise,
Thou ever bubbling spring of endless lies !

COWPER.

Not long since, we enriched our columns with a liberal extract from a pamphlet by Dr. Channing, on the subject of abolition.

The sentiments expressed in this extract are those of a calm and philosophical mind, elevated high above the mists of passion and prejudice, and looking down on the strife and turmoil with a benignant spirit, desirous only that the struggle may result in promoting the permanent interests of truth and virtue. The importance of the newspaper press to effect this object are not overrated ; and the difficulties which embarrass its action, and render it less efficient for good, than it is capable of being rendered, are stated with accuracy, clearness, and force.

The power of the newspaper press in this country, and more particularly of the diurnal press, is prodigious ; and every man, touched at all with the divine enthusiasm of philanthropy, must join in the wish expressed by Dr. Channing, that it might be placed, to a greater extent than it is, in the hands of men of superior ability and stern independence, who would take truth and public utility as their sole guides of conduct. That this is not the case, is the fault, not so much of those immediately connected with the press, who, generally, are absolutely dependent on the fruits of their labours for support, and

whose necessities therefore compel them to consult the very prejudices of the public, as it is of those affluent men of intelligence, integrity, and independence, sprinkled through every community, who, by association, have it perfectly in their power, without any sacrifice of means, to establish newspapers on such a basis as would enable them to stand, unshaken, assaults of prejudice, now fatal to them in the unassisted hands of single and comparatively indigent individuals.

They manage this important branch of public business much better in England than we do here. The principal newspapers there are joint-stock property, many of them having hundreds, and some of them, we believe, even thousands of owners, whose interests are attended to by a committee of directors of their own selection. The editors and editorial subordinates are employed at liberal salaries, and are rendered wholly independent of the proprietors, within a wide limit of general principles. Men of superior intellectual and moral characters are selected to fill those stations ; and the consequence of the system is, that the London newspapers, notwithstanding all the restrictions on the press which there exist, are conducted with a much higher degree of intelligence and independence, than characterize the journals in any of the principal cities on this side of the ocean. If the limits to which we are obliged to confine ourselves permitted, we might illustrate our remark by instances on all the main questions which have occupied the public mind of Great Britain for ten years past. On this very question of slavery, which has drawn forth Dr. Channing's remarks, the English press generally exhibited a degree of fearlessness and true independence, that have but few parallels among the journals of our own country. The influence they exercised on public sentiment, and on legislative action, was immense ; and it was an in-

fluence for good, not for evil, as is proved by the auspicious result.

Among us, the newspapers are the property of single individuals ; and as it is found that administering to the depraved tastes and appetites of the community, consulting the passions and caprice of the hour, and guiding their course by the variable breath of the multitude, is a more profitable, as well as an easier task, than steering undeviatingly by fixed principles, referring all subjects to the touchstone of truth, and addressing themselves with inflexible constancy to the judgments of men, it is not to be wondered at, however much it is to be deplored, that they adopt the readiest and most lucrative mode of discharging their functions, and forego the glorious opportunity their vocation affords, of effectually advancing the great interests of mankind.

The censure falls with greater weight on the community, than on newspaper conductors. They "who live to please, must please to live." Their business, their very being, is held by a tenure too frail, to allow of their stemming the rough current of popular opinion. There is a deficient moral sense in the public which lies at the bottom of the evil. He who strives to be a reformer, and to discharge his high trust with strict and single reference to the responsibilities of his vocation, will be sadly admonished by his dwindled receipts that he has not chosen the path of profit, however much he may be consoled by knowing it is that of honour. We might point to the daily newspaper press of this city, morning and evening, for exemplifications of our remark. The journal, of both classes, which has notoriously the largest and most profitable support, is not that which is conducted with the highest intelligence or the purest morality. It is as true now, and in reference to this particular subject, as it was

in the days of Juvenal, and in the more general application of the poet, that,

———*Probitas laudatur et alget :*
Criminibus debent hortos, prætoria, mensas,
Argentum vetus, et stantum, extra pocula caprum.

———Worth is praised and starves :
 While vice, with gardens, villas, costly boards,
 Rare plate, and cups embossed, the world rewards.

How is the evil to be remedied ? How is the newspaper press to be rendered what it can and should be ? Are there not a hundred readers of this journal, in whose minds the question awakens a ready response ? How many men of moderate affluence would it require to form a joint-stock association, with a capital of fifty or a hundred thousand dollars ? For any ordinary purpose of trade, which held out a reasonable prospect of reward, a larger sum would be subscribed in a moment. But such a newspaper as such a sum, judiciously expended, might establish, would be sure to yield a fair return in money, and oh ! what a large return in public good !

DIVINE ORIGIN OF SLAVERY ;

OR MR. CALHOUN'S VERSION OF THE DECREES OF PROVIDENCE.

[*From the Plaindealer, February 4, 1837.*]

Is there—as you sometimes tell us—

Is there One who dwells on high ?

Has he bid you buy and sell us,

Speaking from his throne, the sky ?

Hark ! he answers ; wild tornadoes,

Strewing yonder coast with wrecks,

Wasting towns, plantations, meadows,

Are the voice with which he speaks.

OUR readers will see, in our summary of the proceedings of Congress, that when the petition of certain inhabitants of the District of Columbia was before the Senate last week, asking for an act of incorporation for the District Colonization Society, Mr. Calhoun assumed the ground that slavery has been brought about, in this country, by the special interposition of heaven, and that to endeavour to emancipate the negroes is rebellion against the will of God. "A mysterious Providence," he said, "had brought the two races of men together into this country from different parts of the earth; the European to be the master, and the African the slave. These relations could not be overthrown; and every society founded on the principle of separating them acted on the basis of error."

According to this version of the origin of negro slavery in America, the free states have committed a grievous sin in breaking the fetters of the poor negro, and they might better make all haste, if they would avoid the retributive wrath of heaven for their wickedness, to replace him in bondage. The men who carried on the slave trade, too, instead of having been the inhuman wretches the world has generally accounted them, were ministers of divine Providence, commissioned to bring together, in the new world, the European and African race, to fill their pre-ordained capacities, the one as masters, the other as slaves. When those fierce kidnappers stole the poor untutored black man, as, unconscious of danger, he reclined, in the cool of the evening, beneath his native palm tree, inhaling the night breeze from the ocean, and listening to the refreshing music of the waves breaking on the shore, they committed no act of treachery or cruelty, but executed a holy office, by the especial appointment of God, whose canon, "thou shalt not steal," and whose precept, "love thy neighbour

as thyself," were suspended to permit the deed. When they crowded the poor negroes into the suffocating holds of their ships, loaded their galled limbs with fetters, fastened them down to the deck, and hushed their cries of agony and despair with sharp instruments of torture forced between their distended jaws, they were still agents of mercy, in a rough disguise, and still faithfully performing their allotted part in the mysterious designs of Providence. The relationship into which the wretched Africans were brought by these means with the European race in America, was not for a day, nor a year, nor a century, as we are assured by Mr. Calhoun, but for all time ; and they who undertake, by any means, to overthrow it—to sunder these heaven-wove ties—are guilty of attempting to violate the clear intentions of Omnipotence.

Strange as this doctrine may sound to some of our readers, it is not original with Mr. Calhoun. It was proclaimed with equal energy in Great Britain, many years ago, when certain incendiaries and lunatics set about the wicked project of abolishing the African slave trade. They were warned, almost in the language which Mr. Calhoun now uses, of the iniquity of their attempt. They were assured that its flagitiousness was only equalled by its impracticability ; that, like the warfare of the fallen angels against the hosts of heaven, it would result in displaying at once the enormity and the utter impotence of the effort ; and that, in the end, they would be hurled

With hideous ruin and combustion, down
To bottomless perdition.

We have a volume this moment lying before us, (Boswell's Life of Johnson) in which, on this very subject, the following passage meets our eye :

“I beg leave to enter my most solemn protest against his (Dr. Johnson’s) general doctrine with respect to the slave trade. For I will resolutely say, that his unfavourable notion of it was owing to prejudice, and imperfect or false information. The wild and dangerous attempt which has for some time been persisted in to obtain an act of our legislature, to abolish so *very important and necessary a branch of commercial interest*, must have been crushed at once, had not the insignificance of the *zealots*, who vainly took the lead in it, made the vast body of planters, merchants, and others, whose immense properties are involved in that trade, reasonably enough suppose that there could be no danger. The encouragement which the attempt has received excites my wonder and *indignation*; and though some men of superior abilities have supported it, whether from a love of temporary popularity when prosperous, or a love of general mischief when desperate, my opinion is unshaken. To abolish a *status*, which in all ages God has sanctioned, and man has continued, would not only be *robbery* to an innumerable class of our fellow-subjects, but it would be extreme cruelty to African savages, a portion of whom it saves from massacre, or intolerable bondage in their own country, and introduces into a much happier state of life; especially now when their passage to the West Indies, and their treatment there, is humanely regulated. To abolish that trade would be to

‘——shut the gates of mercy on mankind.’

“Whatever may have passed elsewhere concerning it, the House of Lords is wise and independent :

‘*Intaminatis fulget honoribus;
Nec sumit aut ponit secures
Arbitrio popularis auricæ.*’

For the benefit of the unclassical reader, we will thus translate this scrap of Latin, which, by the way, in the original, (one of the odes of Horace,) is said of *virtue*, a much fitter application of the sentiment, than to the House of Lords, in its aspect as the protector and champion of the slave trade.

‘ In stainless honours bright it shines,
The axe nor seizes nor declines,
At the vain rabble’s breath.’

But the House of Lords, notwithstanding this classical compliment, did yield at last, if not to the variable popular breeze, to the steady and strong tempest of indignation which the horrors of the slave trade provoked throughout the kingdom of Great Britain. It was no shifting and transitory wind of doctrine ; but it had all the force and constancy of truth. It blows yet, freshly and steadily, from the same quarter, and will not subside into a calm, until it has swept every vestige of slavery from the civilized world. This is no *popularis aura*, no transient humour, no temporary excitement, no evanescent flame, rising suddenly into great volume, as suddenly to sink and smoulder in the thin ashes of unsubstantial fuel. It is a wind and a fire of a different description. It comes from the land of the tornado and hurricane.

—*Mugiat Africis*
Malus procellis.

It cracks the mast of the labouring bark with an *African* storm. The gale is laden with the groans of slavery and the shrieks of despair. Are these the sounds in which Mr. Calhoun distinguishes the mysterious decrees of Providence that he construes as injunctions to hold his wretched fellow-beings “ guilty of a skin not coloured like his own,” in perpetual and irremediable bondage ?

Do these furnish the warrant to buy and sell his brother man, like cattle, in the shambles? He will yet learn that the voice of this moral whirlwind, like that of the natural one described by Cowper, is susceptible of a different interpretation. He will learn that it was no part of Providence to create one race of men as bondmen for another; and that ere long, unless the chains which bind the slave are cast off, goaded at last to madness, in a despairing effort, he will rend them asunder. Who shall answer for his moderation in the first drunkenness of sudden freedom? Well for the master will it be if in that hour he become not the victim.

TREASON AGAINST THE STATE.

From the Plaindealer of Feb. 4, 1837.

THE reader who noticed that Mr. Shepard had introduced a bill into the Assembly of this state, on the subject of slavery, which that body refused to entertain at all, or even order to be printed, may very naturally have concluded that it contained some revolting and monstrous proposition. It is not at all likely, however, that his mind can have fully conceived the unparalleled atrocity of Mr. Shepard's design. It was no less than to abolish slavery in the state of New-York! Here is the diabolical document in his own words:—

“No person shall hereafter be held to service or labour, as a slave, or as the child of a slave, within this state; every person now held to such service or labour, within this state, is hereby discharged therefrom, and is henceforth free. Every person born, or who shall hereafter be born within this state, is, and shall be free; and every person held to service or labour as a slave, or as the child of a slave, who shall be imported, introduced, or

brought into this state under any pretence whatever, shall be free. So much of the revised statutes of this state, as is inconsistent with the intent and meaning of the preceding section, is hereby repealed."

This is the naked proposition of Mr. Shepard in all its wickedness. He has been guilty of an effort to make this state really and thoroughly free ; to diffuse the spirit of freedom through its very atmosphere, and impart to its soil a quality of corrosion that should eat into the fetters of the slave, and cause them to drop from his enfranchised limbs. He would do for this state what the spirit of liberty has done for England.

" Slaves cannot breathe in England ; if their lungs
Receive our air, that moment they are free ;
They touch our country and their shackles fall."

This is the unhappy condition to which Mr. Shepard desired to reduce this state, in utter disregard of the " domestic institutions " of the southern slaveholder, when, with his negroes at his heels, he chooses to honour us with his presence ; and in utter disregard of the mysterious providence of God, in foreordaining, as we are assured by Mr. Calhoun, the European and African races to meet upon this continent, and become indissolubly united in the tender and endearing relations of master and slave. It was probably in reference to this latter view of the subject that the Assembly so promptly refused to have anything to do with Mr. Shepard's bill. " What God joins together let not man put asunder." In the true spirit of liberty, not less than of religion, they extend this injunction beyond the matrimonial connexion, to that which exists between the slaveholder and the poor negro, and frown indignantly on every attempt to sunder or weaken the heaven-appointed union. What " true friend of the constitution," or jealous defender of

the "blessings of liberty," can regard the attempt of Mr. Shepard as better than high treason against the state?

THE RIGHTS OF AUTHORS.

[*From the Plaindealer, February 11, 1837.*]

ABLE pens are wielded against us on the subject of literary property. But as we have no end to answer which is not equally that of truth, we insert the arguments of our antagonists with as much readiness as our own, certain that the ultimate result of discussion, in this, as in regard to every topic within the embrace of human reason, must be the establishment of sound principles. We should shrink dismayed from the correspondent whose communication deservedly fills a large space in our present number, if we were not doing battle on what we yet esteem, notwithstanding his powerful and perspicuous reasoning, the right side of the question. If the reader knew the estimable source of that article, the knowledge would add unneeded influence to the intrinsic weight of its opinions, and extort a smile, perhaps, at our temerity in disputing the field with such an opponent.

The *American Monthly Magazine*, too, in its last number, assails our opinions on the copyright question, in an article written with characteristic eloquence and generous zeal.

It is true that too many of those whose genius has rendered them immortal, have employed their noblest efforts to embellish the solid structure which tyranny erects on the prostrate liberties of man. The two divinest bards, that ever addressed their strains of undying harmony to the enraptured ears of mortals, were the flatterers and upholders of aristocratic pride, and the scoffers of the rights of the people. Homer and Shakspeare "licked absurd

pomp," and taught men to regard as a superior order of beings those whose only claims to pre-eminence were founded in rapine and outrage. But when we look back through the bright list of names which English literature presents, we do not find this censure to be of general application. He from whom the remark is derived, as to the potent influence of those who frame a nation's ballads in forming the national character—sturdy old Andrew Fletcher of Saltoun—did not address himself to a caste; he addressed himself to the people, and stood forward ever the eager and intrepid champion of their rights. Milton did not address himself to a caste, but to mankind; and Marvell and Harrington were animated in their writings by the single and exalted motive of improving the political condition of their race.

But we need not contest the sentiment to which we have offered this brief reply, since it does not touch our argument. It is for the very purpose that "the Republic of Letters" may be upheld by *the people*, and that it may be composed of the people, that we desire to see the principle of literary property abrogated. We do not wish to deny to British authors a right; but we desire that a legal privilege, which we contend has no foundation in natural right, and is prejudicial to "the greatest good of the greatest number," should be wholly annulled, in relation to all authors, of every name and country. Our position is, that authors have no natural right of property in their published works, and that laws to create and guard such a right are adverse to the true interests of society. We concede at once, and in the fullest manner, that if the propriety of establishing a right of property in literary productions can be shown, the principle ought to be of universal application; that it ought not to be limited to any sect, or creed, or land, but acknowledged, like the plainest rights of property, wherever civil

lization has extended its influence. An author either has a natural and just right of property in his production, or he has not. If he has, it is one not to be bounded by space, or limited in duration, but, like that of the Indian to the bow and arrow he has shaped from the sapling and reeds of the unappropriated wilderness, his own exclusively and forever.

With regard to the influence which British literature exercises in forming the popular mind and character in this country, we see no cause to fear unfavourable results, if American literature, to which we naturally look to counteract the evil tendencies of the former, is not excluded, by reason of the incumbrance of copyright, from an equally extensive circulation. Leave error free to flow where it listeth, so that truth is not shut out from the same channels. Give both an equal opportunity, and who can doubt to whom will belong the victory? "Who knows not," says John Milton, "that truth is strong, next to the Almighty? She needs no policies, nor stratagems, nor licensings, to make her victorious. Those are the shifts and the defences that error uses against her power." It was under the influence of British literature exclusively, and in many instances of education obtained in British colleges, that our national independence was asserted and achieved; and it would be strange, indeed, if we should be rendered now unmindful of its value, by the tawdry and sickening aristocracy which bedizens the pages of British novels and romances. "The men who write the ballads" are not those whom a copyright stimulates into the exercise of their powers; and if they were, the Americans, thank heaven! are not the people whom ballads move with irresistible influence. We go to our political affairs, as mathematicians go to their abstruse labours; with their intellectual energies

screwed to too high a pitch, to be shaken from their purpose by the sounding of brass or the tinkling of cymbals.

We turn now to a consideration of the article of our correspondent, who has ingeniously erected his structure of logical arguments on a foundation furnished by ourselves. Our position that an author has an exclusive natural right of property in his manuscript, was meant to be understood only in the same sense that a mechanic has an exclusive natural right of property in the results of his labour. The mental process by which he contrived those results are not, and cannot properly be rendered, exclusive property; since the right of a free exercise of our thinking faculties is given by nature to all mankind, and the mere fact that a given mode of doing a thing has been thought of by one, does not prevent the same ideas presenting themselves to the mind of another and should not prevent him from a perfect liberty of acting upon them. The right which we concede to the author is the right to the results of his manual labour. The right which is claimed for him is the right to the ideas which enter into his mind, and to which he gives a permanent and communicable form by writing them down upon paper.

But when we pass from corporeal to incorporeal property, we immediately enter into a region beset with innumerable difficulties. The question first naturally arises, where does this exclusive right of property in ideas commence? The limits of corporeal property are exact, definite, and always ascertainable. Those of incorporeal property are vague and indefinite, and subject to continual dispute. The rights of corporeal property may be asserted, without the possibility of infringing any other individual's rights. Those of incorporeal property may obviously give rise to conflicting claims, all equally well founded. If you catch a fish in the sea, or shoot a bird in the forest, it is yours, the reward of your patience,

toil, or skill ; and no other human being can set up an adverse claim. But if you assert an exclusive right to a particular idea, you cannot be sure that the very same idea did not at the same moment enter some other mind. This is obviously and frequently true with respect to single thoughts, and it will readily be conceived that it may happen with respect to a series. Language is the common property of all mankind, and the power of thought is their common attribute. Shall you then say to a person who has expressed certain ideas in certain words, you shall have an exclusive right of property in those ideas so expressed, and no other human being shall ever use the same sentiments, without incurring a penalty for his trespass ?

If the author has a natural right of property in the ideas of his mind, once committed to paper, it is a right which ought to be universally acknowledged, and he should be allowed to enjoy exclusively the profit of the use of his property in every civilized nation of the world. But where does this right commence ? How many ideas must be joined together before they constitute a property ? If a man construct an edifice, every brick or board of the entire fabric is his. He may sell it, or lend it, or convert it to what use he will ; but no one can take it against his consent without committing a robbery. Is the author's edifice of ideas equally his, in its component materials, as well as in their aggregate combination ? Every sentence, perhaps, contains an idea, so natural that it is likely to occur to many minds, and expressed in such obvious language, that the same terms substantially would probably suggest themselves to all. His work is made up of such sentences. In what then consists his right of property ? Is each particular sentence a property ? Or do they not become property until joined together ?

But the subjects of books are various. Some are flights of imagination ; some are records of facts. In one, history relates her sober details ; in another, science demonstrates his abtruse propositions. In all these, intellectual labour is exerted ; but is the fruit of that intellectual labour property in all cases alike ? Are the meditations of the poet property in the same sense with the calculations of the mathematician ; and has each an exclusive right to the results of his labour ? Before you answer this in the affirmative, you should reflect that the processes of mathematical calculation are the same throughout the world, and that the end aimed at by them is also identical. A book of mathematics is a book of calculations, conducted according to certain invariable and universally acknowledged principles ; and though to compose it requires perhaps intense intellectual exertion, yet it calls for no original ideas or discoveries. Two mathematicians, one in France, for instance, and the other here, may easily be supposed toiling through the same processes at the same moment, and accomplish results exactly the same. Which has the exclusive right of property in his production ? Which shall be permitted to publish his book, and proclaim to the other, and to all the world, I alone am invested with the rights of authorship ?

Many of the most interesting and valuable works are mere records of discoveries in experimental science. But two philosophers may at the same time be engaged, in different parts of the world, in the same series of experiments, and may both hit on the same result. The discovery, as mere property, is only valuable perhaps through the medium of publication ; yet shall the right of publishing be restricted to one, and if the other presume to tell the same philosophical facts, shall he be considered a species of felon ? The law of patents rests con-

fessedly on the same principle as the law of copyright. They both pretend to have natural and obvious justice for their foundation. The inventor of a new application of the principles of mechanics claims a right of exclusive property in the fruit of his intellectual labour, not less than the writer of a poem or a play. Yet some of the most valuable inventions which have ever been given to mankind have been produced simultaneously, by different minds, in different parts of the world. It is uncertain to this day to whom men are indebted for the application of the magnetic needle to navigation; and the honour of the discovery of the art of printing is yet a matter of dispute. While Franklin was pursuing his electrical experiments in Philadelphia, the philosophers of Paris were engaged in similar investigations, and with similar success. Rittenhouse, when he planned his complicated and ingenious *Orrery*, knew not that such an instrument had already been completed, which was destined to perpetuate the name of its inventor. Newton and Leibnitz each claimed the exclusive honour of their method of fluxions; and many more instances might be adduced, if we had leisure to pursue the subject, of such jarring and incompatible claims to exclusive property in the fruits of intellectual labour. The cases we have stated will sufficiently show that there cannot be, in the nature of things, a positive and absolute right of exclusive property in processes of thought, which different minds may be engaged in at the same moment of time. Two authors, without concert or intercommunion, may describe the same incidents, in language so nearly identical that the two books, for all purposes of sale, shall be the same. Yet one writer may make a free gift of his production to the public, may throw it open in common; and then what becomes of the other's right of property?

The remarks which we have thus far offered go merely

to assail the position of the natural right of property in ideas, as existing anterior to law, or independent of it. It is essential to the establishment of such a natural right, that it should be shown to be distinct property, which absolutely and wholly belongs to some one individual, and can belong to no other than he. The labour of your hands belongs to you; for no other individual in the world performed that labour, or achieved its particular results. But the labour of your mind can produce only ideas, which may be common to many minds, and which are not susceptible of being distinguished by marks of peculiar property. Another person falling, under similar circumstances, into the same mood of cogitation, may produce ideas—not merely similar—not another set of perfect resemblance to the first—not a copy—but identically the same. There is an inherent difficulty in fixing limits to incorporeality. The regions of thought, like those of the air, are the common property of all earth's creatures.

We do not offer the crude observations which we have here made as a full answer to our correspondent's argument; for we mean to reserve the question for a more deliberate and careful discussion in another number. But we merely put them forth as some of the reasons which lead us to deny that the author and inventor have any property in the fruits of their intellectual labour, beyond that degree in which it is incorporated with their physical labour.

A VIOLENT STORM AT WASHINGTON.

[*From the Plaindealer, February 11, 1837.*]

Blow wind and crack your cheek ! rage ! blow !
 You cataracts and hurricanoes, spout
 Till you have drench'd our steeples, drown'd the cocks !
 You sulphurous and thought-executing fires,
 Vaunt couriers to oak-cleaving thunderbolts,
 Singe my white head !

Here I stand

A poor, infirm, weak, and despised old man :
 But yet I call you, servile ministers !

SHAKSPEARE.

BOTH houses of Congress, on Monday last, exhibited a stormy scene. In both, the question of the abolition of slavery was the cause of commotion, and it came up in both on the presentation of memorials : thus showing how utterly absurd is the attempt of the southern members, and of those recreant men of the north who colleague with them, to stave off discussion, and stifle the freedom of speech. In the Senate, Mr. Calhoun put himself prominently forward again, as the champion of slavery. This statesman has many properties which force the mind continually to draw an analogy between him and the chief of the fallen angels, as described by Milton. "Bad ambition" is his prevailing characteristic, and his desire to rule engrosses every sentiment and motive of action. In regard to slavery, he unscrupulously stands forward as the asserter of the most monstrous and startling paradoxes. He is not content to speak of slavery as an incurable ill, entailed upon the southern states by a former race of men, which they are now obliged to endure, as there is no mode of remedy that is not worse than the disease ; but he avows, in the most positive and authoritative manner, that slavery is not an evil ; that it is a

heaven-appointed institution; that it is a condition attended with the happiest and most benign results to both masters and slaves, to both the European and African race; and that he who would put an end to it is not only an enemy to the south, but to the great cause of human happiness. Such was the tenor of Mr. Calhoun's remarks last Monday; and Mr. Rives, by admitting slavery to be an evil, drew down upon himself from the dictatorial Senator a rebuke so sharp as to sound almost like a malediction. Mr. Calhoun was not content with eulogizing the happy and Arcadian condition of the slaves of the south, but he must needs launch derisive and scornful epithets at those whom he was pleased to consider as *the white slaves of the north*, namely, the honest and free labourers, who earn their livelihood by voluntary and requited toil, working when they please, and for whom they please, and when they please resting from their labours. Mr. Calhoun must know very little of human nature, if he is not aware that remarks of this kind aggravate, rather than check, the zeal of those engaged in the cause of abolition. He must know still less of human nature, if he supposes that the insolence and indignity with which the prayers of thousands of respectable petitioners are treated, are calculated to abate their zeal in the cause in which they have engaged. Violence and contumely are not the weapons by which enthusiasm is turned aside from its object. They who madly stamp upon a fire, but anger its sparks to fly into their own faces. "Obstructing violence" (such is the language of the Arcopagitica) "meets, for the most part, with an event utterly opposite to the end which it drives at. Instead of suppressing sects and schisms, it raises them and invests them with reputation." Mr. Calhoun's course in regard to abolition is strongly calculated to have this effect.

The tempest raged much more furiously in the House of Representatives than in the Senate, and Mr. Adams, the MASSACHUSETTS MADMAN, as the *Albany Argus* terms him, was the chief object of its fury. This gentleman had the audacity to ask the Speaker if a petition which he held in his hands, purporting to come from certain *slaves*, was to be considered as embraced in the resolution adopted on the 10th of last month, to the effect that all petitions and memorials, relating to the subject of slavery, directly or indirectly, should be laid on the table without discussion. We are free to admit that we do not entirely approve the course taken by Mr. Adams on this subject. Slaves have no absolute constitutional right of petition; and to offer a petition from such persons, therefore, or bring it in any way to the attention of the house, was calculated to excite angry feelings, without the warrant of that clear and indisputable right on which Mr. Adams has stood secure in all his previous proceedings. He had a most undoubted right to ask the question of the admissibility of the petition, however; and the violence which the simple inquiry gave rise to is a strong illustration of the unhappy temper of the south, in relation to a question which must and will be discussed, and which every attempt to put off by violence but causes to be pressed upon them with more earnestness and zeal. It is strange that they should be infatuated to such a degree of blindness on this subject as not to perceive that the very measure they were on the eve of perpetrating—the expulsion of Mr. Adams from the House of Representatives for the exercise of freedom of speech, not only within the bounds of the Constitution, but even within the rules of parliamentary practice—would have done more to advance the abolition of slavery, than all his legislative efforts, if listened to without interruption, and answered with temper and decorum, could possibly effect in

a much longer period than probably yet remains to him to exercise his heroic zeal and firmness in the great cause of human emancipation.

Nothing can be more preposterous than the ground taken by Mr. Bynum, "that an attempt to present a memorial from a slave or a free negro is a contempt of the House." That a slave has no express constitutional right to petition is readily conceded ; but it is certainly within the constitutional competency of a member to ask if it be the pleasure of the house to listen to a petition from a slave. As for the free negro, the act which emancipates him makes him a citizen, and invests him with an inalienable right of petition—a right equal to that of Mr. Bynum, or of any other citizen whatever. The Constitution makes no distinctions as to creed or colour, but secures to "the people," be they white or black, "the right peaceably to assemble, and petition the Government for a redress of grievances." If the resolution, therefore, had been passed, in any of the forms in which it was proposed, and Mr. Adams had been called to the bar to receive the censure of the House, Congress would have been guilty of such a gross and palpable violation of the Constitution, and such an outrage on one of the trusted and honoured representatives of the free citizens of a great state, as would have raised a storm of indignation, to which the hubbub among the slaveholders in the House of Representatives would be but as the commotion of a turbulent pool compared with the angry heavings of the ocean in a tempest.

MEEK AND GENTLE WITH THESE BUTCHERS.

[*From the Plaindealer, February 18, 1837.*]

IT will be seen, by our paragraph under the proper head, that Mr. Brady introduced a proposition into the Board of Aldermen last Wednesday evening, the object of which is graciously to permit all butchers to sell meat in their own shops, provided they take out a license, at an expense of fifty dollars, and enter into some sort of security that they will open only a single shop. This proposition is not to be considered as containing the views of its mover as to the degree of freedom which the citizen should be permitted to enjoy in the business of dealing in meat; for that individual has distinguished himself, for a good while past, as the earnest opponent of the unjust and arbitrary restraints and limitations which are imposed on that branch of traffic, giving a monopoly to a few, and forcing the citizen to pay a price much greater than would be asked, if competition were left free to regulate the supply to the demand. But the resolution of Mr. Brady was probably framed with reference to his prospect of success in any measure tending towards an enlargement of the bounds of the butchers' monopoly; and in that view of it he is entitled to thanks for the measure. But what a sorry picture does not this proceeding exhibit to us of the ignorance and tyranny of our municipal legislators! It is solicited, as a measure of freedom, that a free citizen, as free and intelligent as any member of the Common Council, may be permitted to follow a respectable and useful calling, provided he brings proof that he faithfully served the full term of apprenticeship to that branch of business, gives bonds that he will pursue it only within a specified limit,

and pays into the public treasury a large sum of money for the gracious permission which the fathers of the city vouchsafe to him ! Can any thing be a greater outrage of common sense than these stipulations ? Can any thing be in more palpable and direct violation of the most obvious natural rights ? Can any thing, even under the despotic government of Czars, Autocrats, and Grand Seignors, be more arbitrary, unequal, oppressive, and unjust ? The prohibitions and restrictions within which butchers are circumscribed, may, with equal warrant of propriety, be drawn round other callings. There is as much reason why the Common Council should take upon themselves to regulate your private affairs, reader, or our own. They may, with equal grace, ordain that no carpenter, or tailor, or hatter, or shoemaker, shall open a shop, except he served a regular apprenticeship to the business, gives bonds that he will open but one, and pays a large bonus into the general coffers for "the blessings of liberty," in that case extended to him. Doctors, lawyers, merchants, and ministers of the gospel, are not less liable than butchers to this municipal supervision and control ; and there is quite as much reason, in relation to every one of those vocations, why it should be limited and regulated by the Common Council, as there is in the case of butchers. We hope that among those who have undertaken this business on free trade principles, there are some citizens spirited enough to resist the present ordinances, and defy the inquisitorial power which attempts to tyrannize over them. We should like to see the question tried whether we are, in fact, mere serfs and vassals, holding our dearest privileges but by the sufferance of our municipal servants, or whether we are in truth freemen, possessed of certain inalienable rights, among which is that of pursuing, unmolested, and in our own way, any calling which does not interfere with the

rights of others, subject only to the impositions of an equal tax.

THE WAY TO CHEAPEN FLOUR.

[*From the Plaindealer, February 18, 1837.*]

OUR paper contains, under the appropriate head, an account of the daring and causeless outrage which disgraced our city last Monday evening. There never was a riot, in any place, on any previous occasion, for which there existed less pretence. There is no circumstance to extenuate it, in any of the aspects in which it can be viewed. The only alleged excuse is the high price of flour, and a suspicion which it seems was entertained, that the price was in part occasioned by a combination among the dealers. But this suspicion has not only no foundation in fact, but if it were well founded, if it were an established truth too notorious for contradiction, it would afford no sort of justification or shadow of excuse to any portion of the community to commit acts of violence, and much less to that portion which was chiefly concerned in this disgraceful tumult.

The chief actors in the riot of Monday evening were, beyond question, members of some of the numerous associations of artisans and labourers affiliated under the general name of the *Trades Union*. What, let us ask, is the very first and cardinal object of the *Trades Union*? To enable *labour*, by the means of combination, and of extensive mutual countenance and co-operation, to command its own price. And is not *labour* as much a necessary of life as *flour*? Is it not, in fact, more indispensable? Is it not the chief, the prime, the very first necessary of man, in his social organization? What would this city do for a week, nay, for a single day, if

labour, in all its varieties of form and application, should wholly and obstinately refuse to perform its offices? It does not require any great fertility of imagination to picture the social anarchy, the chaotic confusion, into which the whole frame of things would be thrown. Yet it is to enable it, on occasion, to do this, or, as the only alternative, to compel *capital* to pay whatever price it chooses to exact, that the combination of different mechanic and operative crafts and callings has been formed. And these very people, thus combining to create, in effect, a monopoly of the chief necessary of life, are so enraged by the mere suspicion that the dealers in flour—a commodity for which there are many substitutes, and not indispensable if there were none—have followed their example that they assault the doors and windows of their storehouses with stones, crowbars, and levers, break down all barriers, scatter their property to the winds, and even tear, into irrevocable fragments, their most valuable books and accounts!

Was there ever a more causeless and disgraceful outrage? It is disgraceful to the city, that a sufficient portion of its inhabitants to commit such causeless destruction should be animated by such a fiendish spirit. It is more disgraceful, that its municipal authorities, those to whom the preservation of the public peace is entrusted, should sleep so soundly on their posts, when the loud roar of riot is on the gale, and the work of ruthless violence is going on, deliberately and without interruption, in broad day, and in one of the most frequented and populous parts of the metropolis. If ever the municipal history of the American cities shall be written, that portion which relates to New-York should be inscribed on a page of black. Nothing can provoke our dull and comatose police to the show of a little timely vigilance. At one time, stirred up by a seditious print of the most profligate

character, an incendiary spirit breaks out in the community, first brutally attacking the poor negro in the street, then rushing to assault the dwellings of those distinguished as the negro's friends ; and finally breaking tumultuously into the churches dedicated to the worship of God ; and it is not till the last moment, till the very altars are desecrated, that the police awake from their slumbers, and, rubbing their drowsy eyes, inquire what all the tumult is about ? At another time, the same inflammatory journal calls upon the people, amidst the excitement of a most angry political contest, "to arm and strike a blow for liberty," and to "kill the damned Irish !"—and again the police doze in unstartled security, until the pavements are actually stained with human blood ! On a third occasion this same ruffian leader of tumult and sedition gives open and audacious warning to the magistrates that he means to lead a mob to the theatre, and drive an unoffending actor from the stage. "To be forewarned is to be forearmed," according to the old saying ; but it does not apply to the municipal authorities of this city. They take no steps to prevent the premeditated outrage. They have no force stationed to meet the ruffian at the threshold, and hurl him back from his bad design. He is permitted to go on without interruption ; and it is only when the work of malice is accomplished, that the police awake, and ask what is the matter ? In regard to this latest outrage, a foreknowledge of the intentions of those who instigated the disorder seems to have been equally without effect, unless it was the effect to throw them into a more perfect apathy. It will be seen by the statement which we have copied, that a previous intimation of the meditated outrage fell into the hands of the municipal authorities, by an accident which almost looks like providential interposition. But if the dead should rise from the grave to warn them, it is doubtful whether

the supernatural visitation would rouse our magistrates into timely activity.

With regard to the question of combination we wish to be distinctly understood. If the dealers of flour had combined to monopolize the article, and to fix a high price upon it, we would hold them answerable for their conduct neither to the civil law nor to mob law, but to the inevitable penalties of a violation of the laws of trade. In the same way, when labourers combine to fix the price of labour, we would hold them responsible only to those natural and immutable principles of trade which will infallibly teach them their error, if they do not graduate the price according to the relations of demand and supply. We are for leaving trade free ; and the right to combine is an indispensable attribute of its freedom.

That the price of flour is not the result of combination, but of causes which lie much deeper, we fully believe. One of those causes is a deficient crop ; but the chief cause of the enhancement in price, not of that article alone, but of every variety of commodity, is the vast inflation which the paper currency has undergone in the last two years. It is not that exchangeable commodities have risen in value, but money, or that substitute for money which the specially privileged banks issue, has depreciated. The fluctuations in the currency must necessarily occasion equal fluctuations in money prices ; and these fluctuations must necessarily be exceedingly oppressive to many, since all commodities do not instantly rise and fall in exact relative proportion, but require, some a longer, and some a shorter time, to be adjusted to new standards. The clergyman and the accountant on stated salaries, the tradesman who sells his articles according to a price fixed by ancient custom, and very many others, cannot immediately increase their demands as the price of other things increase ; and such are affected

most injuriously by the continual augmentation of paper money, resulting from the incorporation, every year, of whole herds of specially privileged bankers.

The true way to make flour cheap, and beef cheap, and all the necessaries of life cheap, is, not to attack the dealers in those articles, and strew their commodities in the streets, but to exercise, through the ballot boxes, the legitimate influence which every citizen possesses to put an end, at once and forever, to a system of moneyed monopolies, which impoverish the poor to enrich the rich ; which, building up a class of lordly aristocrats on the one hand, and degrading the mass into wretched serfs on the other ; and which has already exercised a vast and most pernicious influence in demoralizing both the educated and the ignorant classes of society—both those who fatten on the spoils of the paper-predatory system, and those from whose very blood the spoils are wrung.

RIGHT OF PROPERTY IN THE FRUITS OF INTELLECTUAL LABOUR.

[*From the Plaindealer, February 25, 1837.*]

WE have provoked such odds against us, in the contest on the subject of the rights of property in intellectual productions, that we do not know but that it would be “the better part of valour” to quit the field incontinently. To emulate the conduct of the bold knight whose determined heroism is recorded in *Chevy Chase*, and who, when his legs were off, “still fought upon his stumps,” might seem, in such a dispute as we are engaged in, rather censurable obstinacy, than praiseworthy courage. Or if it provoked a smile, it would probably be one, not of approbation, but of that kind which we bestow on the logical

prowess of Goldsmith's *Schoolmaster*, who could argue after he was vanquished, as *Bombastes Furioso* continues to fight after he is killed.

There is one motive, however, which might not be without some weight with us to persist in the controversy, even after being convinced we had espoused the wrong side. If our doing so would continue to draw such writers into the field as we have heretofore had to contend with, we should not be without excuse; as their forcible reasoning and perspicuous style would far more than counterpoise the influence of our erroneous opinions, exert what ingenuity we might to establish them.

But we choose to deal ingenuously with our readers. We took up arms to battle for the truth, and shall lay them down the moment we find we have inadvertently engaged on the side of her adversaries. That we are shaken in the opinions we have heretofore expressed, we freely admit. The idiosyncracies of style, to use the term aptly employed in the eloquent communication annexed, are marked with such distinctness, that a bare phrase of three or four words, from a writer of admitted genius, is often so characteristic and peculiar, as to indicate its source at once, even to those who have no recollection of its origin, but who judge of it as a connoisseur does of a painting.

How far this peculiar mode of expression can be considered property on the principles of natural justice, the question in dispute. We are not entirely convinced that we have taken wrong ground on this subject; yet we by no means feel so confident of the correctness of our opinions as we did when we put them forth. One thing seems to us, and has all along seemed, very clear: if the author has a natural right of property in the products of his intellectual labour, it ought to be acknowledged as extensively as the capitalist's right of property in his money, or

the merchant's in his goods. It is a common law right, not a right by statute, maugre all decisions to the contrary. If, on the other hand, his right is derived from a law founded on views of expediency, instead of the principles of natural justice, we revert to our first position, that the greatest good of the greatest number would be more effectually promoted by the total abrogation of copyright property.

Let the claim of natural right be established, and we should be among the last to invade it; but concede that the question rests on any other basis, and we think we should have no great difficulty in showing that the general welfare would be advanced by abolishing the principle of exclusive property in written compositions, as it is never asserted in those which are merely spoken.

THE BLESSINGS OF SLAVERY.

[*From the Plaindealer, February 25, 1837.*]

AN extraordinary colloquy took place in the United States Senate, some short time since, between Mr. Rives and Mr. Calhoun, on the subject of slavery, in which the latter senator maintained, with much vehemence, that slavery is not an evil, but "a good, a great good," and reproached Mr. Rives, in sharp terms, for admitting the contrary. As his remarks were reported by the stenographers, at the time, they contained some very insulting allusions to the free labourers of the northern states, whom Mr. Calhoun spoke of in the most contemptuous terms as serfs and vassals, far beneath the negro bondmen of the south in moral degradation. An elaborate report was some days afterwards published in the Washington papers, which probably had undergone the revision of the seve-

ral speakers; and from that the offensive expressions relative to the free citizens of the north were wholly omitted.

What is left of Mr. Calhoun's remarks contains only the sentiments which, it is presumed, he stands ready, after leisure for careful meditation, to maintain before the world; and we shall therefore use only that report for comment.

The holding that slavery is not an evil, "but a good, a great good," is not "in the slightest degree inconsistent with the highest principles of freedom!" Not at all; no more than holding that despotism is better than a representative government is inconsistent with the principles of democracy; that tumult and sedition are better than social order is inconsistent with those principles which constitute the foundation of society; or that atheism and blasphemy are inconsistent with the principles of pure religion. Mr. Calhoun's proposition is a truism in the same degree that it would be to say, that a part is greater than the whole, or that two and two are nothing.

But we must not continue in this strain. We are not of the opinion with the dramatist described by Sheridan, who had discovered that the follies and foibles of society are subjects unworthy of the comic muse, which he contended should be taught to stoop only at the greater vices and blacker crimes of humanity. Such monstrous sentiments as are avowed by Mr. Calhoun do not seem to us to afford a suitable theme for irony. They require to be treated in a tone of strong indignation. They call for the severest animadversion. They demand the most serious and earnest strictures from every journalist who is really animated by the principles of freedom, and desires to render the newspaper press such a palladium of liberty as it is susceptible of being made.

We have Mr. Calhoun's own warrant for attacking his positions, with all the fervour which a high sense of duty can give; for we do hold from the bottom of our soul, that slavery is an evil, a deep, detestable, damnable evil; an evil in all its aspects; an evil to the blacks, and a greater evil to the whites; an evil, moral, social, and political; an evil which shows itself in the languishing condition of agriculture at the south, in its paralyzed commerce, and in the prostration of the mechanic arts; an evil that stares you in the face from uncultivated fields, and howls in your ears through the tangled recesses of the southern swamps and morasses. Slavery is such an evil that it withers what it touches. Where it is once securely established, the land becomes desolate, as the tree inevitably perishes which the sea-hawk chooses for its nest; while freedom, on the contrary, flourishes like the tannen,* "on the loftiest and least sheltered rocks," and clothes with its refreshing verdure what, without it, would frown in naked and incurable sterility.

If any one desires an illustration of the opposite influences of slavery and freedom, let him look at the two sister states of Kentucky and Ohio. Alike in soil and climate, and divided only by a river, whose translucent waters reveal, through nearly the whole breadth, the sandy bottom over which they sparkle, how different are they in all the respects over which man has control! On the one hand, the air is vocal with the mingled tumult of a vast and prosperous population. Every hill side smiles with an abundant harvest; every valley shelters a thriving village; the click of a busy mill drowns the prattle of every rivulet, and all the multitudinous sounds of business denote happy activity in every branch of social occupation.

This is the state which, but a few years ago, slept in the unbroken solitude of nature. The forest spread an

*The Alpine fir tree. See *Childe Harold*, canto IV. 20th stanza.

interminable canopy of shade over the dark soil, on which the fat and useless vegetation rotted at ease, and through the dusky vistas of the wood only savage beasts and more savage men prowled in quest of prey. The whole land now blossoms like a garden. The tall and interlacing trees have unlocked their hold, and bowed before the woodman's axe. The soil is disencumbered of the mossy trunks which had reposed upon it for ages. The rivers flash in the sunlight, and the fields smile with waving harvests. This is Ohio, and this is what *freedom* has done for it.

Now let us turn to Kentucky, and note the opposite influences of *slavery*. A narrow and unfrequented path through the close and sultry canebrake conducts us to a wretched hovel. It stands in the midst of an unweeded field, whose dilapidated enclosure scarcely protects it from the lowing and hungry kine. Children half-clad and squalid, and destitute of the buoyancy natural to their age, lounge in the sunshine, while their parent saunters apart to watch his languid slaves drive the ill-appointed team a-field. This is not a fancy picture. It is a true copy of one of the features which make up the aspect of the state—and of every state where the moral leprosy of slavery covers the people with its noisome scales. A deadening lethargy benumbs the limbs of the body politic. A stupor settles on the arts of life. Agriculture reluctantly drags the plough and harrow to the field, only when scourged by necessity. The axe drops from the woodman's nerveless hand the moment his fire is scantily supplied with fuel; and the fen, undrained, sends up its noxious exhalations, to rack with cramps and agues the frame already too much enervated by a moral epidemic, to creep beyond the sphere of the material miasm.

Heaven knows we have no disposition to exaggerate the deleterious influences of slavery. We would rather

pause far within the truth, than transgress it ever so little. There are evils which it invariably generates a thousand times more pernicious than those we have faintly touched. There are evils which affect the moral character, and poison the social relations, of those who breathe the atmosphere of slavery, more to be deplored than its paralyzing influence on their physical condition.

Whence comes the hot and imperious temper of southern statesmen, but from their unlimited domination over their fellow-men? Whence comes it that "the church-going bell," so seldom fills the air with its pleasant music, inviting the population to religious worship? Whence comes it that Sabbath schools diffuse to so small a number of their children the inestimable benefits of education? Whence comes it that the knife and the pistol are so readily resorted to for the adjustment of private quarrel?

The answer to these and many kindred questions, will sufficiently show that slavery is indeed an evil of the most hideous and destructive kind; and it therefore becomes the duty of every wise and virtuous man to exert himself to put it down.

The proof which Mr. Calhoun adduces of the blessings of slavery, so far as the slaves themselves are concerned, that they double in numbers in the same ratio with the whites, is, alas! susceptible of a very contrary interpretation. Do we not know that propagation is encouraged among them without reference to the limitations of morality? That promiscuous intercourse, without respect even to the barriers of consanguinity, is not merely permitted, but approved? That the slaveholders say, in effect, "to 't luxury, pell-mell, for we lack soldiers?" The institution of marriage among the slaves is treated as an idle ceremony, and the restraints on sexual intercourse as of

no more obligation than upon the birds of the air, or the beasts of the field. This is a theme on which we are not desirous to expatiate; but it is a truth which ought to be told; and more particularly ought it to be hurled back into the teeth of the southern champion of the blessings of slavery, when he adduces the fecundity of the slaves as a proof of the happiness of their condition.

THE POWER OF CONGRESS OVER SLAVERY IN THE DISTRICT OF COLUMBIA.

[*From the Plaindealer, February 25, 1837.*]

IN our last number, we briefly alluded to a question submitted to us by a correspondent, under the signature of "*Citizen.*" That question was, whether, in our opinion, Congress possesses the power to abolish slavery in the District of Columbia, and if so, what article or clause of the Constitution confers that power. We have since received another communication from the same source, renewing the question in a modified form: namely, whether Congress possesses the power to abolish slavery in the District of Columbia, *without paying to the owners of the slaves an equivalent in money.*

In our opinion, the power of immediate and unconditional abolition is as clear as any other power conferred on the federal government. We consider it given by the sixteenth section of the eighth clause of the Constitution, which bestows on Congress the power "to exercise exclusive legislation, *in all cases whatsoever,*" over that District. Nor do we look upon the final clause of the fifth article of the amendments, which provides that private property shall not be taken for public use, without a just compensation, as at all abridging or defining the

original substantive power, so far as this question is concerned. Congress, in the case supposed, would not take property for the public use.

If we divide the phrase, *take property for public use*, into three several parts, each part will sustain an argument to bear out our position. Congress does not “*take*” anything ; it is not “*property*” which is taken ; and it is not taken “*for the public use.*”

In the first place, Congress *takes* nothing, in the Constitutional sense. It merely amends or repeals a law or institution, under which persons, held to service under a peculiar tenure, are said to possess a peculiar value as property, in a limited signification of the term. The property is the labour of the slave, and it is not held absolutely, but under certain conditions, imperative on the masters. Congress, in abolishing slavery, merely changes those conditions, but *takes* nothing. It has an unquestionable constitutional power, in the same way, to abolish, instantly and wholly, the system of protective duties. You may contend that the hasty exercise of this power would be a breach of public faith ; and all sudden and violent changes of legislation, under which capital has been largely invested, or industry drawn into particular channels, undoubtedly are so, to a greater or less extent, according to the circumstances. But this does not touch the question of power. You could not contend, with any show of reason, that such a repeal would be a violation of constitutional law. The Supreme Court would not set it aside on that ground. Yet, in such a case, Congress would *take* private property in the same sense that it would by abolishing the system of involuntary servitude in the District of Columbia. It would not, in either hypothesis, *take* property in the constitutional meaning of the word. It is within the indisputable competency of Congress to abolish the Post Office system, by

which act a myriad of citizens would be suddenly deprived of their means of livelihood. Yet it would *take* nothing in the sense of the provision that enjoins the rendering a just compensation. It might change the seat of government, by which the property of the citizens of Washington and its neighbourhood would undergo a vast depreciation, and, in some cases, absolute annihilation. Yet still it would *take* nothing demanding compensation.

Again, the next branch of the phrase, "*property*," supplies the foundation for an equally cogent argument. The Constitution does not recognize slaves as *property*, in an absolute sense. It does not recognize them as property, in any sense, in the District of Columbia. It recognizes certain rights of masters, *in the several states*, in regard to "persons held to service or labour" under the laws of such states; but it nowhere gives any countenance to the idea that slaves are considered *property* in the meaning of the term as it is used in the fifth article of the amendments. The legislative power of Congress over the District of Columbia, "in all cases whatsoever," will be readily admitted to be as great as that of any state legislature over such state. Yet the conditions on which slaves are held to labour, in the slave states, is always, both in theory and practice, admitted to be a matter of legislative regulation. The legislative authority of every state makes regulations concerning the slaves, all of which have some tendency, more or less, to increase or diminish their value as mere property. But the principle that the state is bound to make compensation for any diminished value which may result from such rules has never been asserted. Thus, for example, the number of hours that a slave shall be required to labour is matter of regulation, in the discretion of the legislature. And if it decrees that he shall be compelled

to labour but six hours where he was before obliged to labour ten, it obviously diminishes his value as property. Yet the right to set up a claim, on this ground, for compensation, "for private property taken for public use," has never been asserted. If the legislature may diminish the hours of slave labour to six, it may diminish them to three, or two, or one, or nothing. And Congress certainly possesses as great latitude of legislative power over the ten miles square which have been rendered up to its exclusive control, "in all cases whatsoever."

The third division of the phrase, "*for public use*," furnishes as broad a basis for argument. If the slaves were taken from their masters in the District of Columbia, to work in the dock-yard, or the arsenal, or on board the government vessels, or in any other way from which the public would derive the advantage of their labour, there might be room to demand compensation "for private property taken for public use." But if we admit that they are *taken*, and that they are *property*, we shall still deny that they are taken *for public use*. They are not *taken*, but enfranchised; and not *for the public use*, but for their own; or rather, not *for use* at all, but in compliance with an exalted sense of the inalienable rights of humanity.

But again: with regard to the condition of "*just compensation*." Here, if driven to the last outpost, we have still the means of making a successful stand. Congress cannot, in the nature of things, abolish slavery in the District of Columbia, without rendering compensation; and that it would be a *full equivalent* the slaveholders are themselves ready enough to maintain, when the argument answers their purpose. While slaves are held to service, masters are bound to support them. They are bound to support them in health and sickness alike, in infancy and age, in the vigour of their strength, and in the feebleness

of decrepitude. This, as we often hear boastfully averred, is more than adequate compensation for their services. Southern orators are fond of expatiating on the arcadian condition of their blacks, whose lives are past under a patriarchal system, whose wants are supplied without any solicitude on their part, to whom the vicissitudes of the seasons and the storms of state bring no anxiety, and whose hearts, free from corroding cares, may be yielded wholly up to happiness. The laws impose all the duties of protection and maintenance on the masters, who, in that form, allege that they pay, for the services they receive, more than could be earned by any other mode of requiting them. If this is true—and it is an argument which is in every slaveholder's mouth, urged with all the fervour of conviction—then Congress, by abolishing the relation which now exists, would, in releasing masters from their obligations, yield more than “a just compensation for private property taken for public use.”

Thus, in whatever light we view this question, as limited by the last inquiry of our correspondent, we come to an affirmative conclusion with respect to the power of Congress over the subject of slavery in the District of Columbia. We are of opinion, notwithstanding, as we before stated, that a careful consideration of *expediency*, in the most exalted meaning of the word, would restrain that body from the immediate exercise of its powers, in the respect in question. As this, however, is a branch of the subject not embraced in the interrogatory of our querist, we shall not pursue it at the present time.

THE RETIREMENT OF ANDREW JACKSON.

[*From the Plaindealer, March 4, 1837.*]

THIS day the administration of Andrew Jackson expires. This day completes a period that will shine in American history with more inherent and undying lustre, than any other which the chronicler has yet recorded, or which perhaps will ever form a portion of our country's annals.

How full of great events, greatly met, and conducted to great issues, have been the eight little years which have now elapsed since Andrew Jackson was summoned to the helm of state ! Equal to every exigency ; animated by a single and strong desire to promote the true interests of his country and of mankind ; possessed of firmness which no danger could shake, and sagacity which no artifice could delude, how admirably he has discharged his momentous trust ! The inflexible honesty, the intrepid heroism, and the ardent love of country, which distinguish his character, have been eminently displayed in all the various and difficult events of his lofty career. That career is now drawing to a close, and he retires to spend the brief remainder of his existence in the seclusion of private life. He is accompanied by the benisons of a grateful people, and the plaudits of an admiring world.

For a little while longer, the clouds of prejudice, which forever brood over the field of party conflict, may obscure from the vision of some, still battling beneath them, the transcendent lustre of this heroic man's character ; but the day is at hand when his fame, composed in an extraordinary degree of all the best elements of greatness, will be acknowledged by every tongue, and wake emotions of gratitude in every heart. The champion of equal

liberty, how constant, how earnest, how successful, have been his efforts in that high object of political achievement ! By him have been established landmarks of popular rights which will stand as guides for the legislation of ages. By him, the tide of aristocratic innovation, which was silently washing away the basis of our political fabric, has been turned back to its source, and stayed by an impassable barrier. Schemes of legislation, which, under delusive names were slowly and surely changing the character of our government, have by him been overthrown. Improvident and corrupting expenditures have been arrested. An institution, which had struck its poisonous shoots into every state of the Confederacy, and was fast consolidating our system of sovereignties into an unmingled mass of empire, to become the prey of unbridled ambition, has been lopped from the republic, and cast prone upon the earth.

In retiring from public life, Andrew Jackson leaves his government at a pinnacle of democratic greatness which renders it the gaze and wonder of the world. He found it involved in debt ; he leaves it with a redundant treasury. He found it engaged in complicated negotiations with foreign powers ; he leaves it with all conflicting claims adjusted, all entangled questions disintricated, and all long protracted obligations fulfilled. Steadily adhering to that simple and sublime rule of national conduct, which he proclaimed at the outset, to ask nothing that is not clearly right, and submit to nothing that is wrong, the direct and manly character of American diplomacy, stamped with his own impress, has won the undisguised respect of all the cabinets of Europe.

Already do those who survey our country from a point of distance that gives to their judgment something of the calmness and impartiality which will distinguish that of posterity, assign to Andrew Jackson a high place among

those who stand highest on the records of fame. To that list which comprises the names of those few most illustrious of men, whom all mankind admire for their abilities and revere for their virtues, who attract regard by the splendour of their achievements and rivet it by the exalted purity of their motives and conduct; to that list, when the voice of both party detraction and praise, and the last echo of political or personal enmity or friendship shall long have passed away will the future historian add the name of Andrew Jackson. While intrepid bravery, earnest patriotism, keen sagacity, nice honour, inexorable honesty, and invincible firmness, are qualities to attract regard, so long will posterity treasure that name, and repeat it to their children, to waken emulation in their youthful minds.

The time is past when eulogy could be stigmatized as the fulsome clamour of dissembling selfishness; and it has just begun, when the voice of sincere praise, no longer hushed by the dread of ungenerous imputation, will speak out, louder and louder, till it swells into one universal and enduring acclaim, constituting "the applause of ages."

DIGNITY OF THE PRESS.

[*From the Plaindealer, March 4, 1836.*]

"YOUR paper should take a more dignified stand; and not condescend to notice the assaults of the degraded penny press. The price of your journal is such that it is taken only by readers of the more intelligent classes; readers who despise the vulgarity of the penny newspapers, and who have cause to feel themselves affronted when you give so large a space, or any space, indeed, to

a refutation of their absurdities. It seems to me, that a proper respect for your own dignity, as well as a proper respect for those into whose hands your lucubrations chiefly fall, ought to restrain you from giving additional circulation to the trash of the minor prints, which are suited only to the taste and capacities of the lower classes of people.”—*Extract from a letter to the Editor of the Plaindealer.*

The admonitions of our correspondent seem to us to proceed from a very narrow and incorrect view of the subject on which he touches. The real dignity of a public journal is to consult the dignity of truth; and its proper object to exercise whatever influence it may possess to advance the cause of public morals. The penny newspapers, with a single exception, will bear a very favourable comparison with those of higher prices; and surely the mere circumstance of cheapness ought not to exclude them from the pale of honourable controversy. The small sum at which they are afforded does not diminish their dignity, but increases it; because it enlarges the sphere of their circulation, and, in the same proportion, augments their opportunity of usefulness. There are but few vocations, indeed, of superior elevation and importance, to that of the conductor of a penny print, if animated with a due sense of the responsibility of his office, and possessed of sufficient intelligence, integrity, and firmness, for the adequate discharge of its functions. It is not true that his labours are confined to “the lower classes,” and it is no argument against them if they were. Persons in all the gradations of society read those newspapers. You will find them on the merchant’s desk and the lawyer’s table, on the tradesman’s counter and the mechanic’s shopboard. They penetrate into the library of the divine, and the closet of the retired student. Go where you may, you will discover that they have pre-

ceded you. You meet them in the mansions of the rich, and the hovels of the indigent. You encounter them in stages and on board of steamboats ; they salute you at the landing-places, and you find them in every tavern sprinkled along the road. One of the penny papers, we observe, claims a daily circulation of *thirty thousand copies*. If we allow that there are from three to four readers to every copy, which is a moderate estimate, we find, then, that the conductor of that print daily addresses himself to the minds, and, if he conducts his vocation with tolerable ability and integrity, exercises a large influence in forming the opinions and guiding the conduct, of a hundred thousand fellow-beings ! Is this a vocation without dignity ?

But it does not need that we should revert to the statements of the penny papers with regard to the prodigious extent of their circulation, when the proofs of it obtrude themselves upon our attention at every step. And we are not of those who repine at this, but rejoice at it. We are not of those, either, who sneer at the penny press ; but are disposed to meet it on equal terms, and, by answering its arguments with the same courtesy, and by detecting and exposing what may seem to us its fallacies, with the same moderation and care, that we should exercise towards any of the larger papers, or towards any other antagonist, do what belongs to us to raise and refine the character of a means of public intelligence, the importance of which can hardly be over-rated. We consider the establishment of the penny newspaper press as forming a new era in the history of civilization ; and we anticipate from it vast benefits to mankind.

If it were true that the readers of the penny newspapers are chiefly confined to what our correspondent chooses to term the “lower classes,” it would be a argu-

ment, not against them, but in their favour. Those who come within the embrace of that exotic phrase are an immense majority of the American people. It includes all the honest and labouring poor. It includes those whose suffrages decide the principles of our government ; on whose conduct rests the reputation of our country ; and whose mere breath is the tenure by which we hold all our dearest political, religious, and social rights. How ineffably important it is, then, that the intelligence of these "lower classes" should be cultivated ; that their moral sense should be quickened ; and that they should have the means within their reach of learning the current history of the times, of observing the measures of *their* public servants, and of becoming prepared to exercise with wisdom the most momentous privilege of freemen. Th's great desideratum the penny press supplies, not as well and thoroughly, perhaps, as the philanthropist could wish, but to such a degree as to be necessarily productive of immense benefit to society. It communicates knowledge to those who had no means of acquiring it. It calls into exercise minds that before rusted unused. It elevates vast numbers of men from the abjectness of mere animal condition, to the nobler station of intelligent beings. If usefulness constitutes the true measure of dignity, the penny press deserves pre-eminence, as well on account of the character of its readers, as the extent of its circulation. He who addresses himself to intelligent and cultivated minds, has a critic in each reader, and the influence of his opinions must necessarily be circumscribed. But he who addresses himself to the mass of the people, has readers whose opinions are yet to be formed ; whose minds are ductile and open to new impressions, and whose intellectual characters he, in some measure, moulds. He becomes the *thinker*, in fact, for a vast number of his fellow-beings.

His mind transfuses itself through many bodies. His station renders him, not an individual, but a host ; not one, but legion. Is this not a vocation of inherent dignity ?—to address, daily, myriads of men, not in words that fall on cold and inattentive ears, and are scarce heard, to be immediately forgotten ; but in language clothed with all that undefinable influence which typography possesses over oral communication, and claiming attention, not in the hurry of business, or amidst the distractions of a crowded assemblage, but when the thoughts have leisure to concentrate themselves upon it, and follow the writer in all the windings of his argument.

If the censures were well founded which are lavished on “the vile penny press,” as some of the larger papers are prone to term their cheaper rivals, they should but provoke minds governed by right principles to a more earnest endeavour to reform the character of an instrument, which must be powerful, either for evil or for good. That they are so vile we do not admit. We have found, ourselves, honourable and courteous antagonists among them ; and if those who apply to them the harshest epithets, would treat them instead, with respectful consideration, copying from their columns as readily as from those of other journals, when intrinsic circumstances presented no particular motive of preference, and contesting their errors of opinion on terms of equal controversy, they would do far more towards raising the character and increasing the usefulness of that important branch of popular literature, than general and sweeping condemnation can possibly do to degrade it. For ourselves, professing that our main object is to promote the cause of truth in politics and morals, we should consider ourselves acting with palpable inconsistency, if we were governed, in any degree, by so narrow a princi-

ple of exclusion as that which our correspondent recommends. That newspaper best consults its real dignity which never loses sight of the dignity of truth, nor avoids any opportunity of extending its influence.

LEGISLATIVE INDEMNITY FOR LOSSES FROM MOBS.

[*From the Plaindealer, March 4, 1837.*]

THE late disgraceful riot in this city has been followed by its natural consequence : impaired confidence in the security of private right in this community. Persons at a distance, having commercial relations with us, are fearful of trusting their property within the reach of men, who have shown themselves so regardless of the first principles of social order, and so little apprehensive of municipal opposition. The owners of flour and grain, in particular, and of other articles of such universal daily consumption as to be classed among the necessaries of life, hesitate to send them to a city where they may be seized, on their arrival, by an infuriated mob, and scattered to the winds of heaven. The result of this must inevitably be an exacerbation of the misery which the poor now experience. Prices, exorbitant as they are, must rise to a still higher pitch, as the supply, receiving no augmentations from abroad, becomes less and less adequate to the demand. And those miserable creatures, who, in their delusion, thought to overthrow the immutable laws of trade, and effect, by a sudden outbreak of tumultuary violence, what no force of compulsion, however organised and obstinate, could possibly accomplish, will be among the very first to reap the fruit of their folly : for, as they are among the very poorest members of the community, any additional advance in the price of

flour must put it wholly beyond their means. Thus even handed justice commends to their own lips the chalice they had drugged for others.

One of the evidences of the consternation which the recent tumult has occasioned in the minds of persons having commercial dealings with this city, particularly in articles of necessary food, is shown in the terms of a memorial which the manufacturers of flour in Rochester have addressed to the Legislature, praying for the enactment of a law to protect their property in New-York from the destroying fury of mobs.

It is signed by eighteen flour manufacturing firms of Rochester. The trepidation and anxiety which it betrays on the part of all concerned in the flour trade of that city, may serve to show what must be the general feeling throughout the country, and what must be its necessary consequence in withholding from us a further supply of flour, thus inevitably increasing the burden of which we now complain. But while we copy this memorial, for the lesson it furnishes to those who seek to reform legislative abuses, or to relieve themselves from oppressive burdens, by tumultuary violence, we must not suffer it to be inferred that we approve the object of its prayer.

The power which the legislature is asked to exercise seems to us to lie beyond the proper province of government. The legitimate functions of a democratic government are simply to *protect* the citizens in life and property, not to provide *indemnification* for the loss of either. The government is the mere representative or agent of the community, appointed to guard the rights of each individual, by protecting him from the aggressions of others. This duty includes the defending of him from aggression, in the first place, and the punishing of those who commit it, in the second. But it does not extend to

the punishment of an entire community for the offences committed by an inconsiderable portion, which is the position assumed by the Rochester petitioners. . It is one of the first and most obvious duties of society, in the outset of its political organization, to make provision for the defence of the rights of its members, in whatever form of violence they may be assailed. The legislative agents of each community, in the discharge of this duty, make such provisions, as the general circumstances of the times, and the particular circumstances which lie within their own jurisdiction, may seem to require. Thus, while in thinly inhabited townships a few guardians of the peace, clothed with the simplest powers, are sufficient, in cities an extensive and complicated system of defence is found to be necessary. Guardians of the night, and guardians of the day, an organized force to protect property from conflagration, and an armed force to protect both life and property from riot and insurrection, are necessary in every populous town, requiring to be extended and modified, according to the increase of numbers, or the deterioration of morals. The principle of self-preservation gives rise to these precautionary and defensive measures, in the first place, and the same principle, ever active, demands that they shall be enlarged and improved, from time to time, as new exigencies arise. If anything occurs to show that the municipal authorities of any community are deficient in requisite vigilance, energy, or power, their deficiency is a proper subject of complaint; and all who are aggrieved, whose rights are in any way invaded or jeopardized through such remissness, have unquestionable ground of petition or remonstrance to a higher legislative tribunal. But no tribunal in this country, under the maxims which we acknowledge as the foundation of our political edifice, has the power to inflict the penalties incurred by a few ruffians, concerned in a

violation of private right, on those who not only had no share in the offence, but who perhaps exerted themselves to the utmost to prevent it. This would be in dereliction of the plainest principles of natural justice.

Let us suppose a case. A person, residing at the Battery, by some unguarded speech or action, gives offence to a particular class of persons living in his immediate neighbourhood. The cause of umbrage is reported from one to another, with the natural exaggerations of anger. Bad passions are aroused, and some inflammatory demagogue seizes the occasion—perhaps for the gratification of private malice, or perhaps for the opportunity of plunder—to excite the irritated multitude to acts of violence. They rush to the house of the unconscious offender. Their numbers are rapidly augmented by additions from the crowd of such persons as are ever ready to take part in tumult. Their shouts and cries, echoed from one to another, are as fuel to fire, and increase the fury of their exasperation. They attack the property of him who is the object of their ire, demolish his store-house or dwelling, break its contents into fragments, and scatter them in the streets, or consume them in flames. In the meanwhile the public authorities, informed of the tumult, hasten to the scene. They are joined by numerous bodies of good citizens, desirous to aid them in the suppression of disorder; and, in a little while, but not before the work of destruction is completed, the riot is suppressed, and the chief actors in it apprehended, and committed to safe custody for trial and punishment. But this whole event, from first to last, has occurred, before the tidings can reach other extremes of the metropolis. The citizen at Bloomingdale or Harlem is quietly pursuing his vocation, unconscious of the disorders which disturb the community at another point of the city. Yet the legislation asked for by the petitioners of Rochester would

make him responsible for the crimes of others, with which he not only had no participation, but which, could he have known they were meditated, he would have exerted himself with the utmost zeal and diligence to prevent. He would have done so, not only from a sentiment of philanthropy, but from a motive of self-preservation ; as one whose individual rights were exposed to similar hazard ; as a portion of the body politic, which must always suffer, when it shows itself incompetent to protect its individual members from outrage.

The principle involved in this Rochester memorial might, with equal propriety, be extended to embrace indemnity for losses sustained in consequence of individual outrages. It is no less the duty of a community to protect the property of citizens from the attacks of single ruffians, than from those of ruffians in numbers. If the flour manufacturers of Rochester had visited this city to receive payment from their agent whose store-house was attacked, and if the wretch, who directed the attention of an excited multitude to that store-house, had, instead, chosen to waylay those manufacturers singly, and, assailing them with a bludgeon, forced them to surrender the proceeds of their merchandise, it seems to us that they would have equal ground for a petition to the legislature, asking for a law to compel the city of New-York to indemnify them for the amount of which they had been robbed. The principle of *indemnity* is not included in the principle of *protection*. *Protection* is an obvious duty of humanity, as well as an obvious measure of self-preservation ; but the claim for *indemnification* as obviously rests on the unjust and arbitrary principle that the good should be punished for the crimes of the bad, and the weak for the outrages of the strong. Is there any reason, in natural justice, that the lone widow, frugally living, in some obscure corner of this city, on the slender means

picked up by perpetual industry, should be burdened with a tax to compensate the flour merchant of Rochester for his losses from an outrage of which she could have had no knowledge, and over which she could exercise no control? Is there any reason why any person in this city, not implicated in the transaction, should be punished in the way proposed, that does not apply as strongly to every inhabitant of the state? If this community, in its corporate capacity did not exercise due vigilance and energy to prevent the riot in question, and protect the property destroyed, it may be that there is good ground for an action for damages; but there is surely none for a law to punish the entire community in all cases, whether the outrage was within or beyond municipal control.

The principles which should guide legislation are always reducible to the simplest elements of natural justice. The code for the government of a community of three hundred thousand persons should stand on the same basis of clear undeniable right, with that which would be instituted for a community of only three. If A, B, and C, enter into a social compact, A is clearly bound to assist B, against any violation of his rights attempted by C. But if before A can render assistance, or in spite of it, C succeeds in rifling the property of B, and escapes with it, or destroys it, any claim which might then be set up by B, for indemnity from A, would be so clearly without foundation in justice, as to shock the natural moral sense of all the rest of the alphabet, supposing them living by themselves, in an entirely distinct community.

The *Journal of Commerce*, we perceive, expresses approbation of the object of the memorial we have copied. It pronounces the plan "a good one," and thinks "it should be made general, applying to all property, and to all the cities and towns in the state." We cannot think

the *Journal of Commerce* has given its usual attention to this subject; though this is not the first time it has shown a willingness to strengthen government at the expense of men's equal and inalienable rights.

COMMENCEMENT OF THE ADMINISTRATION OF MARTIN VAN BUREN.

[*From the Plaindealer, March 11, 1837.*]

THE inauguration of Martin Van Buren, as President of the United States took place at the Capitol, in Washington, on Saturday last, at noon. The day was serene and temperate, and the simple and august ceremonial was performed in the presence of assembled thousands. Mr. Van Buren delivered an Inaugural Address on the occasion, which, probably, most of our readers have already perused, but which, as a portion of the history of the times we insert in our paper. It is longer than the Inaugural Address of his immediate predecessor, but does not contain a tithe part of its pith. It professes to be an avowal of the principles by which the new President intends to be guided in his administration of the government; but with the single exception of the principle of opposition to the abolition of slavery in the District of Columbia, which it expresses with most uncalled for and unbecoming haste and positiveness, he might, with as much propriety, have sung *Yankee Doodle* or *Hail Columbia*, and called it "an avowal of his principles." With the exception of that indecorous announcement of a predetermination to exercise his veto against any measure of abolition which Congress may possibly think proper to adopt during the next four years, the address contains no expression of political principles whatever. It gives a correct and pleasing account of the formation of the federal compact, and expatiates

with considerable fervour and eloquence on the value and importance of preserving the Union. It concludes with a statement, in general terms, that Mr. Van Buren intends to adhere strictly to the letter and spirit of the Constitution; but as this is a duty imposed upon him, in the most explicit manner, by the terms of his oath of office, it cannot be considered of any weight as a separate avowal of the principles by which he will be guided. The address, therefore, as an avowal of guiding principles—save only the principle of extreme opposition, under all possible circumstances, to the abolition of slavery—is little better than a nonentity. Mr. Van Buren commences his administration as a man of *a single principle*.

One of the administration journals of this city, the *Evening Post*, excuses the vagueness of Mr. Van Buren's address, on the ground that an inaugural speech does not present an occasion for the proposal and discussion of particular measures which, it thinks, are more properly reserved for an annual message to Congress. We should acquiesce in the justice of this remark, if Mr. Van Buren had not himself put this address before his countrymen as "an avowal of his principles;" but having done so, we are compelled to try it by the standard he has furnished. The *Evening Post* further says, that for aught it can see, Mr. Van Buren "has laid down the general rules by which he intends to be guided with as much particularity and distinctness as any of his predecessors." We are afraid the *Evening Post*, at the time of making this remark, had neither the inaugural speech of Jefferson nor that of Jackson within the sphere of its vision.

But it is not so much for what it has omitted to say, as for what it says, that we feel dissatisfaction with this inaugural address. We dislike exceedingly both the tone and spirit of its remarks on the subject of slavery. On

that one topic, there is, indeed, no want but a superabundance of "particularity and distinctness." Mr. Van Buren is the first President of the United States who, in assuming that office, has held up his veto power, *in terrorem*, to the world, and announced a fixed predetermination to exercise it on a particular subject, no matter what changes might take place in public opinion, or what events may occur to modify the question on which his imperial will is thus dictatorially announced.

Nothing but the clearest warrant of constitutional obligation could excuse this precipitate expression of a determination to exercise a power lodged in the executive, not for the purpose of holding it up to intimidate a co-ordinate branch of the government, and restrain it from the freest exercise of its functions ; but for the better purpose of being discreetly used, in the last event, after a subject had undergone all the investigation and discussion that might be deemed necessary as preparatory to legislative action, uninfluenced by any premonition or threat from the executive department of government. For Mr. Van Buren, standing on the threshold of his administration, to announce to the world that he will veto any bill which Congress may pass on a particular subject, is as gross a breach of public decorum, and as violent a stretch of his proper duties, as it would be for the Supreme Court to pass a solemn resolution, declaring that if Congress enacted such or such a law, they would pronounce it unconstitutional, and set it aside accordingly, the moment any question under it should come before them for adjudication. The illustrious man who has just retired from the office of Chief Magistrate has not hesitated to exercise his constitutional negative, whenever called to do so by a sense of duty ; but, dictator as he has been freely termed by his opponents, he never so far transcended the obvious bounds of political

propriety, as to announce to the people, *in advance*, that he meant to use that power in a supposititious case.

Nothing, we repeat, but the clearest warrant of constitutional obligation could possibly excuse the step which Mr. Van Buren has thought proper to adopt. Is any such warrant alleged? Does the address state any clear constitutional interdiction of a legislative power in Congress over slavery in the District of Columbia? Does Mr. Van Buren venture to affirm that such a law as he declares his intention of vetoing would be a violation of any article or clause in the federal compact? No! he believes that such a course will be "in accordance with the spirit which actuated the venerated fathers of the republic," but does not pretend that such a spirit has made itself palpable and unequivocal in any of the written provisions of the instrument which he has sworn to maintain. If this early announcement of his intentions with regard to one subject which, if raised, he is determined to exorcise with the spell of the veto, is justifiable, why not carry out the new scheme of government, and favour the world with a full list of topics, on which Congress must not act without the fear of the President's negative before their eyes? It might save much fruitless legislation to have the predetermination of the executive formally made known on all questions of legislation; but without such an avowal of them, conjecture may go widely astray, since there is no other very certain mode of ascertaining what is not, in Mr. Van Buren's belief, according to "the spirit which actuated the venerated fathers of the republic."

When a President announces that the letter of the Constitution shall be his guide of public conduct; when he takes as his rule of action a strict construction of the express provisions of that instrument, we may form some tolerable notion of what will be his course. But when he undertakes to steer by the uncertain light of the spirit, we

are tossed about on a sea of vague conjecture, and left to the mercy of winds and waves. Hamilton was guided by the *spirit* in proposing the first federal bank ; but Jefferson adhered to the *letter* in his argument against that evil scheme. The high tariff system claims for its pater-nity the *spirit* of the Constitution ; but the advocates of a plan of equal taxation, adjusted to the actual wants of the government, find their warrant in the *letter*. The internal improvement system, the compromise system, the distribution system, and every other unequal and aristocratic system which has been adopted in our country, all claim to spring from the *spirit* of the Constitution ; but Andrew Jackson found in the *letter* of that instrument his rule of conduct, and it was fondly hoped that his successor meant to emulate his example. Appearances now authorize a fear of the contrary. The first step is certainly a deviation from the path.

Mr. Van Buren's indecent haste to avow his predeterminations on the subject of slavery has not even the merit of boldness. It is made in a cringing spirit of propitiation to the south, and in the certainty that a majority at the north accord with his views. His sentiments on the subject of slavery, so far as it can become a question for federal legislation, were well understood before. They had been distinctly expressed, and he had been supported with a clear knowledge of his opinions on that topic, and a clear apprehension of what would in all probability be his course, should executive action become necessary. There was not the slightest proper occasion, therefore, for anything, beyond a calm repetition of his previously expressed sentiments. The *Veto Pledge* is the peace-offering of an ignoble spirit to appease the exasperated slave-bolders at the south. What a mockery it would now be, if, in the course of the next four years, such a change should take place in the public mind (and such a change

is clearly within the scope of possibility) as that a large majority of the people should demand the abolition of slavery at the seat of the federal government, and Congress, in compliance with the demand, should pass a bill to that effect—what a mockery, we say, it would be, to present the measure to the President for his approval. He would answer, “I am pledged to use my veto.” But the opinions of men have changed since that pledge was given. “No matter: it was unconditional, and must be fulfilled.” But the facts elicited in the discussion of the subject prove incontestibly that the measure is demanded by a regard for the prosperity of the country. “No matter: I am pledged.” But the free states have solemnly resolved that they will no longer be bound in union with the slave states, if the condition of the league requires the perpetuation of slavery in the ten miles square placed under the executive control of the federal government, and therefore this measure is necessary for the preservation of the union. “No matter: I am pledged. I am pursuing a course in accordance with the spirit which actuated the venerated fathers of the republic, and I cannot be moved from my fixed and predetermined purpose. I told the people in the outset of my administration what I meant to do. They had ample warning, and ought not to have changed their minds, for, being solemnly pledged to veto any bill for the abolition of slavery in the District of Columbia, I cannot now recede.”

There is a single phrase in the anti-abolition portion of Mr. Van Buren’s address upon which we shall make one additional comment, and then dismiss the subject. Alluding to the pro-slavery mobs and riots which have taken place in various parts of the country, he says, “a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation.” This is an admirable version of the matter. The issuing of a tem-

perate and decorous newspaper, in which a question of great public moment was gravely discussed, showed, beyond all question, a most "reckless disregard of consequences," deserving the harshest rebuke; and the conduct of the mob that broke up the press, demolished the house which contained it, and shockingly maltreated the person of the editor, was merely a natural and justifiable expression of "popular indignation." They who thought the Constitution vouchsafed to them the freedom of speech and of the press, were criminal to act under that singular delusion; while they who dragged these atrocious men from the sanctuaries of God, from their firesides and from the pulpit, pelted them with stones, tore their garments from their limbs, steeped them in seething tar, and heaped all manner of injuries on their defenceless heads—these men were "true friends of the Constitution," and animated by "the spirit which actuated the venerated fathers of the republic." Mr. Van Buren does not say so in express terms; but he alludes to their atrocities in language so soft and sugary, as to sound almost like positive approval.

On the whole, we consider this Inaugural Address as constituting a page of Mr. Van Buren's history which will reflect no credit upon him in after times.

THE THEATRE.

[*From the Plaindealer, March 11, 1837.*]

A CORRESPONDENT, for whose motives and intelligence we have great respect, has addressed a letter to us on the subject of theatres, from which we make the annexed extracts.

"I wish the expression of your opinion in regard to our

present theatrical establishments. In alluding to them, however, I trust I shall not be misunderstood. Although, as a professed christian minister, my opinions of the stage may be supposed to be weighed, like the purchases of old, by the unalterable shekels of the sanctuary, yet I solemnly assure you that I am not moved by the impulses of jealousy or revenge. Some years of my early life were spent in connexion with the stage, but though I saw things behind the scenes which led me, in my better moments, to think more and more of the truth that practice and precept do not always go hand in hand together, yet I can conscientiously say, if the theatre, as now conducted, is capable of doing good, heaven grant it may ! I wish your answer to these few questions.

“1. Has not the theatre been originated, and generally sustained, by the bad passions of mankind ?

“2. Have not nine out of ten of the stars in the firmament of the stage been persons of questionable moral character ?

“3. Have not the pleasures afforded by the play-house been more than counterbalanced by the evils of late hours and intense nervous excitement ?

“4. Have not many of the popular tumults, in all ages, been engendered in the heat and unthinking enthusiasm of a theatrical audience ?

“5. Have not the idleness and expense attending the theatre been ever a source of unpleasant reflection to its more thoughtful devotees ?

“6. Might not the redeeming spirits of the stage, such as FORREST, and others, accomplish more for the benefit and rational amusement of mankind in methods of action less exceptionable than the theatre ?

“7. Is it not better, therefore, for real patriots to encourage the theatre, as it is, to a smaller extent, and useful lectures and publications more ?

“I am aware that these questions may seem to you crude and common-place ; but I write under the pressure of extensive pastoral engagements. My only object is truth. I respect genius every where, not the less because it ‘walks in beauty’ on the boards of the theatre, providing it is serving the great end of society—‘the greatest good of the greatest number.’ ”

To reply to the interrogatories of our querist with that fulness of discussion to which we feel invited by the nature of the subject, and the wide scope embraced in his questions, would require greater space than is left at our disposal by the other matters which crowd the columns of our present number. We shall therefore make our immediate answer as brief as possible, and reserve a more ample consideration of the subject for a season when legislative proceedings, and the various topics they furnish for comment, shall no longer press their paramount claims upon our attention.

The nature and tendency of theatrical exhibitions are subjects on which we had maturely reflected, before we resolved to devote one of the departments of this paper exclusively to the drama. That there are some very great and deplorable evils connected with the theatre, is a fact of the utmost notoriety ; but these we consider, not inherent, but extrinsic ; while the good that belongs to it is essential, and, in our view, even as now conducted, far more than counterbalances the bad. But if we admit that the preponderance lies the other way, it would still seem to us the province of true wisdom, rather to seek to defecate the theatre of the impurities which have collected there, and remove the unwholesome excrescences which licentious custom has engrafted upon it, than to apply the axe to the root, and overthrow utterly what, in its original and inherent nature, contains abundantly the elements of goodly fruit.

The mere fact of the existence of adventitious abuses never furnishes a cogent argument for the abandonment of objects worthy in themselves, unless it can be shown that the supervenient evil has become so closely and thoroughly incorporated with them, as to be inseparable, without greater cost of effort than is justified by the nature of the end to be achieved. That this is not so with regard to the theatres is a position too plain to need that it should be very elaborately enforced. No writer and no combination of writers, no matter how highly gifted with talent, and how strongly animated with enthusiasm in the undertaking, could hope to overthrow them utterly. They might possibly succeed in casting so much temporary odium upon them, as to deter the better portion of society from partaking the amusements they afford ; but in so doing they would but remove a check that now counteracts the downward tendency which the theatre partakes with all human institutions, and thus increase the evil of histrionic exhibitions to that portion of the community on whose minds and conduct the acted examples of the stage exercise the strongest influence, and for whose sake it is most desirable that the theatre should be a school of morals, as well as a place of mere innocent dissipation.

To reform the theatre ; to oblige managers to exclude from the audience those who come unblushingly in the open character of prostitution, and to expel from the scene those lascivious and indecent spectacles, for which the great moral lessons of Shakspeare are often thrust aside : these are objects perfectly within the reach of public opinion ; and to the accomplishment of these, therefore, it becomes a duty of the press to exert its energies. Such, at least, are the general views which we entertained and expressed in the outset of the *Plain-dealer* ; and we have met with nothing since to show us

they are incorrect. If we have been remiss in the execution of that branch of our duty, the deficiency must be imputed to broken health, which for the most part disinclines us to mix with crowds and breathe the close atmosphere they create. Rightly conducted, there is no department of this journal which we could hope might prove to be the instrument of more good, than that in which we offer these remarks ; for we think so well of the moral sense of this community, as to believe that it might be efficiently aroused against the more prominent evils connected with the theatres, even by so feeble an advocate as ourselves. The subject might easily be presented to the attention of fathers and mothers, and of husbands and brothers, in such a way, as to awaken in them a spirit which would not be satisfied, short of the total expulsion of lascivious dancers from the stage, and painted strumpets, in the undisguised character of harlotry, from the boxes. Our confidence in the moral sense of the community, as it relates to theatres, is strengthened by the ill success which has attended a late experiment upon its depravity. That audacity of licentiousness which the managers of the National Theatre displayed, in throwing open the best part of their house to the filthiest followers and cullies of debauchery, thus seeking to allure, with the meretricious attractions of the stews, those who could not be won by their wretched stage performances, has met with such a significant rebuke from the outraged public, in the shape of empty benches, that they have been obliged to resign the theatre into the hands of a person, who being himself a man of respectability and honour, better knows what is due to public morals and decorum, and will promptly reform the abuses which, beyond question, led to the ill success of the National Theatre under its previous conductors.

We now turn to the specific questions of our correspondent, and shall give to each a brief reply.

1. The origin of theatres we conceive to have been, in all times and countries, the mere love of amusement; a perfectly innocent passion, in itself, and susceptible of being turned to the promotion of incalculable good. Dr. Johnson has said that he who enlarges the boundaries of innocent amusement, deserves to be ranked among the benefactors of mankind. The theatre, in its intrinsic nature, is not merely a source of innocent entertainment, but of refined instruction. The opening lines of Pope's celebrated prologue describe, with as much justice as eloquence, the real purposes and tendency of scenic exhibitions.

2. What proportion of players have been persons of loose morals is more than we can answer; though from a very limited personal knowledge of those of our own time and city, we are clearly of opinion that the interrogatory of our querist is founded on an exceedingly incorrect estimate. There are circumstances incident to the profession of an actor, which naturally lead to dissipation in some respects; and one of these circumstances, which the more tolerant and enlightened spirit of the present age is daily diminishing, is that prejudice which has made them, in some measure, a proscribed class. But the private moral character of individual performers no more affects the question of the propriety of encouraging theatrical representations, than the dissoluteness of tailors does the question of the propriety of wearing coats. Dr. Johnson's occasional excess in wine does not diminish the pleasure or instruction we derive from the perusal of the Rambler; the wild and dissipated character of Benvenuto Cellini does not impair the satisfaction with which we survey the productions of his genius; nor the lax morality of Sir Thomas Lawrence abate the delight

with which we contemplate his speaking portraits. If we go to the theatre to see Hamlet, it is no concern of ours that the actor, when he has shuffled off the integuments of the philosophic Dane, recruits himself from his exhaustion in a neighbouring cellar, over a pint of porter or a glass of punch.

3. If we answer this question in the affirmative, it makes nothing for the argument of our querist. But the question does not admit of either a general affirmative or general negative reply. It is one for every individual to answer for himself; as every one must answer for himself whether the pleasure of his cup of coffee or cigar is not purchased at too great a cost of nervous excitement. Excitement, in great cities, is a necessary of life, and that which is produced through the instrumentality of such agents as make up the sum of theatrical exhibitions is less harmful than the excitement which would probably supply the place if theatres were abolished.

4. The popular tumults which have been stirred up by scenic representations, have been the insurrections of oppressed men, rising up against their oppressors. The stage has been the friend of liberty; and hence the institution, under governments of unequal laws, where the policy of the rulers was to keep the people down, of licensers, to see that no dangerous lessons of freedom should be taught in the acted examples of the stage. The argument implied in the question might be cogent, in the mouth of a conservative, and an oppressive government; but it has no application to things as they exist in this country.

5. *Desipere in loco*. No one can be always busy; and all amusements cost something. He who cannot afford the amusement of the theatre, yet indulges in it, errs; but the error is his own, not the theatre's.

6. Possibly they might; but circumstances, not choice,

decide most men's professions, and he who "acts well his part" is generally considered as fulfilling the just claims of society. The combination of talents which fit a man to be a great actor, would probably not render him as great in any other pursuit. The saying *poeta nascitur*, as far as it is true at all, is true in a much wider application than merely to poets. The question of our correspondent runs *against the grain of nature*. If Sterne had eschewed humourous writing, and made the grave eloquence of Jeremy Taylor's sermons his model, he might have accomplished more good, but more probably he might have failed in the attempt, and accomplished no good at all. If Shakspeare had turned field preacher instead of play writer, he might have been considered as devoting himself to the more exalted calling, but we doubt whether he would as usefully have employed his godlike faculties. Our correspondent might perhaps more usefully have employed the time which it cost him to address his communication to us; but if, instead of obeying the laudable impulse, he had paused to meditate how he might most profitably spend the period, and to compare the relative merits of different modes of occupation, the season for action might have passed away without anything being done. He generally proves to be the most useful member of society, who goes to work earnestly at that which is before him. Circumstances placed the stage before Mr. Forrest as his field of action. He went to work upon it earnestly, and he has achieved such progress as to stand now, at the age of thirty, far in advance before all competitors. That he is doing good, much good, and in various ways, we do not doubt; while we think it questionable whether, in any other pursuit, he could achieve equal eminence, and exert an equal influence in promoting the ends of society. But why ask the player to doff the buskin and don the cowl or stole? Why re-

quire the painter to throw by the pencil, and seize the pen ; or the poet to turn from the muses, and devote himself to the austerer worship of Minerva ? *Non omnia possumus omnes*, to use the line from Virgil which honest Partridge in Tom Jones, was fond of quoting. Many men are qualified for excellence in some one thing, but few in more. Let each, then, follow the bent of his genius, or yield to the force of circumstances, and strive to do well what it falls to his lot to do.

7. We come now to the last question, which we suspect of having a particular reference to ourselves. We have already answered it, in part, in the general remarks with which we commenced our reply. The mind is so constituted that it requires variety of occupation and variety of amusement. The broadest grimace of the theatre sometimes diverts a weary spirit, that could not be won by attractions of a more elevated kind. Lectures are good things, and so are books good things—very good ; but one does not desire always to hear lectures nor always to read books. Partridges are good things, capital things, in their proper place and season ; but our correspondent doubtless remembers the pathetic exclamation of the sated monk, who was obliged to dine on them every day in the year—*toujours perdrix !* exclaimed the melancholy ecclesiastic, *toujours perdrix !* The theatre, too, is a good thing in its place and season ; and being an amusement that attracts vast numbers of people, it becomes a proper subject for the comments of the press, for a double reason. In the first place, judicious comments, approving what is really good, and condemning what is bad, must have a continual tendency to raise the character of stage performances, and refine the morals of the theatre. Such notices, in the second place, increase the attraction of a newspaper to a large class of readers, and thus extend the field of its usefulness in re-

gard to other subjects of comment and discussion. The subscribers to a newspaper are made up of persons of a great variety of tastes and pursuits. Some are chiefly attracted by its political articles ; others by its literary notices ; and a third class, perhaps, by its theatrical strictures. But whatever the prevailing motive, most readers, particularly of a weekly journal like our own, do not lay it aside, till they have perused, more or less thoroughly, all its leading topics. They are thus led to the consideration of subjects which, presented separately, would not have won their attention, and thus the great ends of a newspaper are promoted by that very diversity, which is a blemish in the eyes of some, who would have it confine itself to matters of the gravest character and the directest utility. For our own part, it is a source of regret to us that circumstances have prevented our making the theatrical department of our paper more worthy of the perusal of those of our readers who take a lively interest in what relates to the drama. Against the abuses of the theatre we stand ever ready to speak in earnest reprehension ; but his censure is most effectual who, discriminating between good and evil, indulges, not in sweeping condemnations, but while he sharply animadverts upon what calls for rebuke, is equally prompt to applaud what merits praise.

GENERAL BANKING LAW.

[*From the Plaindealer, March 11, 1837.*]

THE bill which has been introduced into the legislature, under this name, proposes a very great enlargement of the present narrow bounds, in which craft and folly have combined to shut up the business of banking ; but it is

by no means strictly entitled to the appellation it claims. It is a mitigation of legislative restrictions, but not a repeal of them. We have not space for particular comment, but must express, in general terms, the satisfaction which the introduction of this measure affords of the rapid progress that free trade principles are making in the minds of the people at large. Two or three years ago, such a proposition as that now brought forward by Mr. Robinson would have caused its mover to be hooted at and derided in the most contemptuous and derogatory terms. A charge of lunacy and Jacobinism has been frequently preferred against some of those who made the earliest stand in defence of free trade and equal rights, for recommending measures much less adverse to the present monopoly system, than that now introduced into the legislature by Mr. Robinson. But those who were then ever foremost to shout *Jack Cade* and *Agrarian!* now show, by a decent silence, or faint approval, their consciousness that a vast change has taken place in the minds of the people, and that the universal sentiment is setting strongly against the curse of monopoly legislation and exclusive chartered privileges. We copy an abstract of Mr. Robinson's bill, which we consider only as a precursor of a more perfect reform. "Revolutions never go backwards;" and a revolution, fraught with the vastest consequences to the happiness of mankind, is now taking place, the end of which will be the demolition of all restraints and impediments in the way of complete political and commercial freedom and equality.

RECEPTION OF MR. WEBSTER.

[*From the Plaindealer, March 18, 1837.*]

THE dullness of these piping times of peace was somewhat enlivened on Wednesday last, by the arrival of Mr. Webster in this city, and the public ceremonies of his reception. Arrangements had been made on a pretty large scale, some time previous, by a number of the political friends and partisans of that statesman, to give him a grand reception, and the note of preparation had been constantly sounding, for a week or more in their leading newspapers. The day was bright and temperate, and it is natural to presume that the concourse assembled on the occasion was very large. Those who had to borrow money at three per cent. a month, and those who had money to lend at that rate, probably preferred Wall-street to the Battery; but no doubt the latter place was crowded with many of those happy creatures, who, having neither money to lend, for want of means, nor money to borrow, for want of credit, can yet generally command abundance of leisure to run about after shows and spectacles.

As we did not ourselves witness the reception of Mr. Webster, and as we wish to come as near the truth as possible in our account of it, we copy the statements of two leading newspapers, of opposite sides in politics, but about of equal character for varacity and general respectability.

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We have placed these accounts side by side, that the reader, whose curiosity moves him in the matter, may the more easily compare their conflicting statements, and draw his own conclusions from them. The political newspapers of this city, with two or three honourable ex-

ceptions, are valuable rather as enabling one to conjecture the truth, than to ascertain it; as a bad watch sometimes enables one to guess the hour, by making a large allowance for the irregularity of its movements.

The same disparity which the two foregoing accounts display in regard to a simple matter of fact, of which the version of each journal professes to be that of an eye-witness, pervades, more or less, all the party statements of the newspaper press. It is a mortifying fact, but it is an undeniable one. So few newspapers are conducted with a spirit of strict veracity, that the reader, unless he be one of the most credulous and gullible of mortals, seldom yields full faith to their assertions in regard to any matter which has the slightest party relation or bearing. He waits to compare contrary statements, and to gather oral testimony, before he surrenders his belief. One of the two papers from which we have copied the statements of Mr. Webster's reception tells a wilful falsehood, probably both. But whatever was the exact truth, it was not matter of opinion, or matter of feeling, to such a degree as to allow us to believe that both the narratives could have been written in a spirit of sincerity and truth. One writer tried to swell the reception into something very magnificent, the other to sink it into something very mean. For their reward, neither of them will be believed, but every reader will make a large allowance for the magnifying grandiloquence of the one, and the lessening and diminuent sneers and sarcasms of the other.

We have no doubt that Mr. Webster was very warmly received by several thousand people; for he is a leading man of a party, under better organization at the present time than it has been for many years before, and all the usual means of party preparation were adopted to give effect and eclat to the ceremonial. Independent of this Mr. Webster is a great man, and is very sincerely

and warmly admired by multitudes of people. We are not, ourselves, among those who admire his political principles, and there have been some things in his political conduct which we cannot approve, even judging it by the scale of his own principles. But we admire his talents, and can very readily conceive how those who accord with him in his fundamental political doctrines, may easily be warmed into enthusiasm, on an occasion like that which his public reception has presented.

We are well pleased with the recent movement on several accounts. In the first place it never displeases us to see the whigs make the most of their great men; for entertaining an abiding and unfaltering confidence in that great fundamental article of democratic faith which recognizes the intelligence and integrity of the people, we have no fear that these mere cavalcades and triumphs can turn the public mind from a contemplation of cardinal principles, or dazzle it so as to render it unable to distinguish between truth and error. This ovation to Mr. Webster has been got up avowedly on the ground of his great services and sacrifices in the cause of the Constitution; but the mass of the people, entertaining a different theory of constitutional obligation from that of Mr. Webster and his followers, turn their eyes to the white headed veteran now slowly journeying across the solitudes of the Alleghanies to his secluded home in the far west, and to him—to him against whom Mr. Webster's political life, for the last eight years, has been one perpetual and violent struggle—their hearts pay the involuntary homage of gratitude, as the great champion of the Constitution and of freedom.

But we are pleased with these public honours to Mr. Webster, inasmuch as they afford some evidence that the opposition party of this quarter of the country are determined to rally around him as their foremost man.

They are, no doubt, ashamed of having been led to abandon a statesman of real talents, to make shift with so poor and feeble an "available" as General Harrison, with nothing in the wide world to recommend him but a military title, and we believe a blameless and inoffensive private life. They come back to Mr. Webster with the usual force of retroaction, when the forward movement has been against the bent of nature. This pleases us, and we hope they will keep it up. We shall be delighted to have Mr. Webster put before the country in real earnest as the whig candidate for President. We are tired of contending against "availables," men of no fixed political character, but ready to mould themselves to any new opinion and suit their doctrines to the varying hour. It is contemptible of the whig party to seek refuge under the petticoat of General Harrison. Let them stand out before the world in their true colours, and select a candidate of a known creed, that people may divide themselves according to opinion on antagonist questions, and not be influenced by mere personal preferences or dislikes. If Mr. Webster were the candidate for the chief office of the government, the people would have before them an eminent and learned follower of the school of Hamilton, a man whom they could not but respect for his talents and acquirements, and admire for his bold and manly eloquence. We should contend against him with all the zeal of a sincere conviction that his political creed is adverse to the principles of liberty—we should contend against him early and late, in season and out of season—but our efforts would always be tempered with that respect which such qualities as Mr. Webster possesses must naturally command. It would be a strife of antagonist political principles, and would serve much better to test the relative strength of their adherents, than a con-

test involving complicated motives of policy and expediency, but carefully removed from the true ground of warfare, as defined by the ultimate aims of the two great parties of this country, the democracy and the aristocracy, the friends of a strong government and the friends of a strong people.

Mr. Webster, on Wednesday evening, addressed a numerous audience in a long speech at Niblo's Saloon, and on Thursday received the salutations of such as chose to pay him a visit of honour or curiosity at the City Hall.

THE DESPOTISM OF THE MAJORITY.

[*From the Plaindealer, March 25, 1837.*]

WORDS undergo variations in their meaning to accommodate them to the varying usages of men. Despotism, though originally confined, according to its derivation, to the government of a single ruler, and considered a term of honour, rather than reproach, is now employed to signify unlimited tyranny, whether exercised by one or legion, whether by a single autocrat, wielding all the power of the state, or by the majority of a community, combined under strict party organization, and ruling the minority with dictatorial and imperious sway. The two most prominent instances which the world now presents of these different classes of despotism, is that of a single tyrant in Russia, and that of a multitudinous tyrant in America ; and it is a question which some seem to think not easily answered which is the worse, that of an autocracy, of that of a majority.

The intolerance, the bitter, persecuting intolerance, often displayed by a majority in this country, on questions

of stirring political interest, towards the rights and feelings of the minority, has come to be a subject of comment by enlightened minds in Europe, that are eagerly watching the results of our great democratic experiment, and drawing arguments in favour of aristocratic government from every imperfection we exhibit. Thus, in the eloquent speech recently delivered by Sir Robert Peel, at Glasgow, there are some allusions to the intolerance of dominant parties in this country, which no candid person can peruse without admitting they contain enough of truth to give great point and sharpness to their sarcasms.

We cannot be suspected of any sympathy with Sir Robert Peel in the purpose with which he made this reference to America. Our love for the democratic principle is too sincere and unbounded, to allow us to have a feeling in common with those who desire to conserve aristocratic institutions. The democratic principle is the only principle which promises equal liberty, and equal prosperity to mankind. We yearn with intense longing for the arrival of that auspicious day in the history of the human race, when it shall everywhere take the place of the aristocratic principle, and knit all the families of mankind together in the bonds of equal brotherhood. Then shall the worn out nations sit down at last in abiding peace, and the old earth, which has so long drunk the blood of encountering millions, grow young again in a millennial holiday.

No American, having sense and soul to feel and appreciate the ineffable blessings of equal liberty, would answer Sir Robert Peel's interrogatory as he supposes. The effeminate popinjays, whom the land, overcloyed with their insipid sweetness, yearly sends abroad to foreign travel, and who prefer the glitter of courtly pomp to the widely diffused and substantial blessings of free-

dom, might utter such a dissuasion against the adoption of democratic principles. But no honest and manly American, worthy of that name, with intelligence enough to know, and heart enough to feel, that the best and loftiest aim of government is, not to promote excessive and luxurious refinement among a few, but the general good of all—"the greatest good of the greatest number"—would ever lisp a syllable to dissuade England from adopting the glorious democratic principle of equal political rights.

But while we thus differ from Sir Robert Peel in the tenor and purpose of the remarks we have quoted, we are forced to admit that there is but too much truth in the charge of despotism against the majority in our political divisions. The right of the majority to rule, is a maxim which lies at the bottom of democratic government; but a maxim of still higher obligation makes it their duty so to rule, as to preserve inviolate the equal rights of all. This rule of paramount authority is not always obeyed. We have seen numerous and frightful instances of its violation, in those outbreaks of "popular indignation," which men have drawn upon themselves by the fatal temerity of expressing their views on a subject of deep interest to every American, on which their sentiments differed from those of the majority. The wild excesses of riot are not chargeable alone to the madness and brutality of those who take part in them, but to the approval of others, who set on the human bull-dogs to bait the abolitionists, by calling the latter all sorts of opprobrious names; and encouraging the former by bestowing laudatory appellations on their ferocity. They are "true friends of the Constitution," they are men "who appreciate the blessings of liberty," they are "champions of union," they are patriots and heroes; while those against whom their drunken rage is directed are point-

ed out as fanatics, of the most diabolical temper ; as incendiaries, ready to burn to the ground the temple of freedom ; as murderers, ready to incite the negro against his master, and incarnadine the whole south with the blood of promiscuous and discriminate slaughter.

But to descend from the terrible instances of despotism, which the conduct of the majority on the slave question displays, we see the consequences of the same tyranny in a thousand matters of less startling moment. Does not our newspaper press show marks of the iron rule of despotism, as exercised by a majority ? Whence comes its subserviency ? Whence comes it that each journal goes with its party in all things, and to all lengths approving what the party approves, whether men or measures, and condemning what it condemns ? Why is it that no journalist dares, in the exercise of true independence, to act with his party in what he deems conformable with its political tenets, and censure its course when it varies from them ? Why is it that if, forgetting for a moment that he is not a freeman, he honestly blames some erroneous step, or fails to approve it, his reproach, or his very silence, is made the occasion of persecution, and he finds himself suddenly stripped of support ? Whence comes this we ask, but from the despotism of a majority, from that bitter intolerance of the mass, which now supplies an argument to the monarchists and aristocrats of the old world, against the adoption of the principles of popular government ?

The book press of our country is not less overcrowded by the despotism of the majority than the newspapers. The very work from which Sir Robert Peel makes his quotation affords us a ready illustration. Thousands are burning to read the production of De Tocqueville, and a hundred publishers are anxious to gratify the desire. But they dare not. The writer has not hesitated to ex-

press his opinions of slavery ; and such is the despotism of a majority, that it will not suffer men to read nor speak upon that subject ; and it would hinder them, if it could, even from the exercise of thought.

There are some bold spirits yet in the land, who are determined to battle against this spirit of despotism, and to assert and defend their rights of equal freedom, let the struggle cost what it may. They will speak with a voice that the roar of tumult cannot drown, and maintain their ground with a firmness that opposition cannot move ; and if forced at last to surrender, it will be their lives, not their liberty, they will yield, considering it better to die freemen, than live slaves to the most cruel of all despots—a despotic majority

OMNIPOTENCE OF THE LEGISLATURE.

[*From the Plaindealer, April 1, 1837.*]

IN one of George Colman's metrical oddities, that writer advances the bold opinion that,

———What's impossible can't be,
And never, never comes to pass.

This seems, however, to be a great mistake. The wisdom of modern legislation is continually performing impossibilities. The laws of physics and metaphysics, of mind and matter, are every day abrogated by the laws of man and the march of improvement is so rapid, that it would scarcely be surprising if the whole system of things should shortly be taken wholly under the control of our lawgivers.

Judge Soule, of our state legislature, has lately made a great step towards that consummation. He has introduced a bill to fix the value of money, under every vari-

ety of financial circumstances, at precisely seven per cent. a year, and he has framed its provisions with such profound sagacity, that money lenders and money borrowers will never attempt to evade them. This will be glad news to those who are at present paying three per cent. a month.

The notable project of Judge Soule provides that bonds, bills, notes, assurances, all other contracts or securities whatsoever, and all deposits of goods or other things whatsoever, whereupon or whereby there shall be received or taken, or secured or agreed to be reserved or taken, any greater sum, or greater value, for the loan or forbearance of any money, goods or other things in action, than the legal rate of seven per cent. per annum, shall be void ; and any bond, bill, note, assurance, pledge, conveyance, contract, and all evidences of debt whatsoever, which may have been sold, transferred, assigned or indorsed upon, for or upon which any greater interest, discount or consideration may have been reserved, obtained or taken than is provided in the first section of the said title shall be absolutely null and void ; and no part of any such contract, security or evidence of debt, shall be collectable in any court of law or equity. It also declares every violation of the provisions of the act to be a misdemeanor, subjecting the person offending to fine or imprisonment, or both.

There was a certain philosopher who spent his life in bottling moonbeams. Judge Soule seems to belong to the same school.

The Astronomer in Rasselas, by a long and attentive study of the heavenly bodies, at length discovered the secret of their governments, and qualified himself to direct their courses, and regulate the seasons. "I have possessed for five years," said he to Imlac, "the regulation of the weather and the distribution of the seasons:

the sun has listened to my dictates, and passed from tropic to tropic by my direction ; the clouds, at my call, have poured their waters, and the Nile has overflowed at my command ; I have restrained the rage of the dog-star and mitigated the fervours of the crab. I have administered this great office with exact justice, and made the different nations of the earth an impartial dividend of rain and sunshine. What must have been the misery of half the globe, if I had limited the clouds to particular regions, or confined the sun to either side of the equator ! ”

Judge Soule has now taken upon himself an office not less important in the financial system, than that of the learned astronomer in the planetary. He is for dividing the rain and sunshine of the money-market with an impartial hand, and giving equal portions to borrower and lender. In doing this he perhaps may be thought to carry the principle of equality to an undue extent, since it places all borrowers on a level, whatever the difference in the nature of the security they offer, or in the precariousness of the objects to which the loan is to be applied. But Judge Soule is too much of a philosopher to regard such slight circumstances of difference. He looks down on the money-market from such a height as reduces both bulls and bears to uniformity of stature.

The Astronomer, in *Rasselas*, confessed that there was one thing, in the system of nature, over which he had not been able to obtain complete control. “The winds alone,” said he, “of all the elemental powers, have hitherto refused my authority, and multitudes have perished by equinoctial tempests, which I found myself unable to prohibit or restrain.” We are afraid that the astronomer’s worthy prototype in our legislature will also find there is likewise one thing which is beyond his authority. Judge Soule will yet discover, we imagine, that the in-

terest on money is as variable as the winds, and that as the latter sometimes whisper in zephyrs and sometimes rave in tempests, so the former, in spite of all his efforts will sink down and almost die away, and at others swell and rage to the tune of three per cent. a month.

It is a matter of astonishment to us that any man, having sense enough to recommend him to his constituents for a seat in the legislature, can be so blind as not to see that usury laws are essentially and necessarily unjust and arbitrary. The value of money depends on a thousand very varying contingencies, as much so as the value of any other commodity. A failure of our chief articles of export, either as to quantity or price, immediately increases the demand for money, and at the same time decreases the security of the borrower. An abundant crop and large prices have, as certainly, the opposite result. This is a difference which affects whole communities. The differences which distinguish individual borrowers are not less obvious. One has ample security to offer ; another has none. One needs money to aid him in a pursuit which promises certain profit ; another needs it to prosecute an enterprise of exceeding hazard, which, if successful, promises a large return, but if unsuccessful, leaves no hope of re-payment. One borrower, has health, activity and prudence ; another is infirm, indolent and rash. Judge Soule is for making up a Procrustean bed for all alike, without reference to the variety of form and stature. We recommend him to the muse of *Croaker*, as a fit subject for poetic honours, and in the meanwhile apply to him a stanza addressed by that writer to a great leveller in another line :

Come, star-eyed maid, Equality !

In thine adorer's praise I revel,

Who brings, so fierce his love to thee,

All forms and faces to a level.

THE MUNICIPAL ELECTION.

[From the *Plaindealer*, April 8, 1837.]

ON Tuesday, Wednesday, and Thursday next, the election for municipal officers is to be held. On those days the people of this city are to decide by their suffrages who is to be Mayor for the next year. "There be *three* Richmonds in the field." In the first place, there is JOHN I. MORGAN, nominated by the democratic party at Tammany Hall: next we have MOSES JAKES, nominated by the equal rights party in the Park; and thirdly and to conclude, there is AARON CLARK, the *ci-devant* lottery dealer, nominated by "platoons, squadrons, battalions, and regiments" of whigs in Masonic Hall, together with the resigned firemen in their strength, with Gulick at their head.

We must confess there are some very serious objections urged against the first named candidate. It is charged, and has not been denied, that he wears flannel next to his skin. There is grave authority for this accusation. It has been asserted by nearly all the whig papers, and the *American* of Thursday evening repeats the charge, in a modified form. It does not, indeed, positively aver that Mr. Morgan wears flannel *next to his skin*!—this degree of atrocity is not alleged. But that he wears flannel is roundly affirmed. What democrat can vote for Mr. Morgan, unless this imputation on his character is clearly proved to be a slander?

But it is not merely the sin of wearing flannel that is preferred against him. The *American* further charges that he is "addicted to umbrellas!" Prodigious wickedness! "Addicted to umbrellas!"—what a blot on his escutcheon. Is there any citizen so lost to patriotism,

so lost to manhood and to virtue, as to vote for a man who is "addicted to umbrellas?" We pause for a reply.

Moses Jaques is not much better than Mr. Morgan. He is strongly suspected of wearing flannel likewise, though some affirm that it is only buckskin. But we believe it must be admitted that he is a good deal "addicted to umbrellas." He is addicted to one or two other things not less heinous in the eyes of the aristocracy. He is addicted to the opinion that all men possess equal political rights; and hence he is denominated an agrarian. He is addicted to the opinion that no citizen can be lawfully arrested, even by so potential a body as the New-York legislature, except on a warrant, for probable cause, supported by oath or affirmation; and hence he is considered a leveller. These things, together with flannel shirts and silk umbrellas, put his election out of the question.

The third candidate is Aaron Clark. It is not affirmed, on any hand, that Mr. Clark wears flannel shirts, or is "addicted to umbrellas." He may, or may not, be guilty of these offences against society, but no charge to that effect is brought against him. On the other hand, the virtues of Mr. Clark are great and various. He is "fortune's favourite." He once kept a lucky lottery-office, and sold vast numbers of tickets to poor people for ready money, some of which drew prizes. The business of keeping a lottery-office was one of great dignity and honour. It placed an opportunity within the reach of men of very small means to become suddenly affluent. The keeping a lottery-office was a calling "to which" (we quote the American) "reverend divines appealed to aid churches, to which men of letters and high moral standing appealed to endow colleges and promote education." This was the calling of Aaron Clark, and hence

he is called upon to be a candidate for Mayor, and hence the people are called upon to give him their support.

Can they resist the invitation?

In view of the fact that Mr. Morgan wears flannel, and is addicted to umbrellas, the American triumphantly asks, "what control could such a person exercise over the fierceness of the democracy in an uproar?" Though put in an interrogative form, this is an argument that settles the question. No man who wears flannel and is "addicted to umbrellas" could quell a riot, no matter how many flannel-shirted constables and watchmen he had at his heels. The thing is impossible.

As for Mr. Jaques, he is himself one of the fierce democracy, and a chief rioter, since he presides over meetings of the "populace" and "common people" in the Park. What business have the "common people" to hold meetings?

Aaron Clark, then, is the man for the money? Buy your ticket at Clark's. He pursued a calling tolerated by the laws, and reverend divines and heads of colleges were glad to get a share of the money he paid for his license, as they no doubt would be glad to get a share of the city funds, if they were derived, in part, from licensed stews and gambling houses.

If we elect Aaron Clark for Mayor, who knows but he may get up some "splendid scheme," and insure "a grand prize" to every man who assisted in making him manager of the municipal lottery. Huzza for Clark, Fortune's Favourite!

MISS TREE.

[From the *Plaindealer*, April 8, 1837.]

WE have seen *Beatrice*—we will not call it Shakspeare's *Beatrice*, or Miss Tree's *Beatrice*, but *Beatrice* herself. We have seen the identical Sicilian lady, the high-born, beautiful, witty, gay-hearted and volatile, yet loving and constant woman of Messina ; whom Shakspeare imagined, but whom Miss Tree *is*. Other actresses have given us particular traits of her character with liveliness and effect ; but Miss Tree infuses life and soul into them all, and combines them into one with inimitable harmony and grace.

What wonderful individuality there is in the characters of Shakspeare ! No two of them are alike. They may belong to the same class, but the shades of difference are not less obvious, than the features of resemblance they possess in common. It is not merely that they are placed in different circumstances, but they are essentially different. Other dramatists have sometimes copied from themselves, but Shakspeare always copied from nature, and his works are distinguished by the same endless diversity. "Custom could not stale his infinite variety."

If this remark is true of his characters generally, it is more strikingly so of his females. From *Miranda* to *Lady Macbeth*, from *Ophelia* to *Constance*, there is a whole world of interval, filled up with women of every gradation and combination of moral and intellectual qualities. Who, for example, is like *Beatrice* ?

The character of *Beatrice* we do not think has usually been correctly appreciated on the stage. She is spirited, witty, and talkative, and the mere words of her railery, if we consider separate phrases by themselves, have sometimes a sharpness not altogether consistent with the general idea of amiableness in woman. But if we exam-

ine her character more thoroughly, we shall find that her keenest strokes of satire, her sharpest repartees and liveliest jests, are but the artillery with which a proud woman guards the secret of unrequited love. It seems to us the clue to *Beatrice's* character is, that she is conscious of a secret attachment to *Benedick*, and believing her passion unreturned by the determined bachelor, she makes him the object of constant raillery, that she may thus more effectually hide her true feelings from observation. She talks of *Benedick*, and to *Benedick*, because *Benedick* fills her heart, and "out of the abundance of the heart the mouth speaketh," but she talks mirthfully and scornfully, that none, and least of all himself, may suspect the sentiment which is hid beneath her sparkling repartees. The first words *Beatrice* utters are an inquiry concerning *Benedick*; yet with the ready tact of woman, she asks after him by a name that implies a taunt, that the real anxiety which prompted the question, might not be seen. The same feeling, directly after, urges her to inquire who is his companion, and the motive of concealment induces her lightly to add, "He hath every month a new sworn brother."

The reader of the play is prepared, in the very first scene, to set down *Benedick* and *Beatrice* as intended for each other. *Leonato* informs us that they are perpetually waging a kind of merry war, and that "they never meet, but there is a skirmish of wit between them." We soon perceive this very skirmishing is the result of mutual attachment, but with a difference: for *Benedick* is unconscious of the nature of his feelings for *Beatrice*, and really supposes himself proof against all the shafts of blind Cupid, while *Beatrice* is aware of her love, but resolves in the true spirit of maidenly propriety, to hide it deep in her heart, until it shall be called forth in requital for the proffered love of *Benedick*. She is not of the disposition,

however, to "let concealment, like a worm i' th' bud, feed on her damask cheek." She is too proud, too gay, too volatile by nature, to be easily dejected. She is of the sanguine, not the melancholic temperament, and looks on men and things in their sunniest aspects.

Leonato tells us "there is little of the melacholy element in her;" and she herself says, she was "born to speak all mirth, and no matter." *Beatrice* is not a creature of imagination, but of strong intellect, and strong feeling. Her volatility relates only to her spirits, not to her affections; she is distinguished by gaiety and airiness of temper, not fickleness of heart. That she is constant in friendship, her fidelity to her cousin *Hero* proves, for when the breath of slander blackens her character, and all, even her own father, believes the tale of guilt, *Beatrice* alone stands up, the assertor of *Hero's* innocence, and indignantly exclaims, "O, on my soul, my cousin is belied!"

But the firmness of her attachment does not show itself only in words. Her lover had just been led to a discovery of the true character of his feelings towards her, and had declared his attachment; and she demands from him, as the first proof of his love, that he should challenge his friend *Claudio*, who had renounced *Hero* at the altar, and traduced her, "with public accusation, uncovered slander, unmitigated rancour." It is no proof of a want of love for *Benedick*, that she is thus willing to risk his life to avenge the wrong done to her cousin; but it only proves that her sense of female honour, and of what is due to it, outweighs love.

She is of that temper that she might well have used the lines of the old English Earl:—

"I could not love thee, love, so much,
Loved I not honour more."

She sets *Benedick* to do only what she herself would gladly have done, could she have exchanged sexes with him. "Oh, God! that I were a man!" she exclaims, in the intenseness of her indignation, "I would eat his heart in the market-place!" The thought that *Benedick* could be foiled in the enterprise, and that he might fall beneath the sword of *Claudio*, never once entered her mind. The spirit of the age, and the spirit of the woman, alike repelled the idea. Right and might were deemed to go hand in hand together in such contests. She could think only of the slanderer being punished, and her cousin avenged. Her imagination presented her lover returning triumphant, the champion of injured female innocence; it refused to paint him lying prostrate and bleeding beneath the sword of the calumniator.

That *Beatrice* loves *Benedick*, and levels her raillery at him only to turn attention from her secret, is borne out by the effect of the pleasant stratagem played off upon her, when she is decoyed—

"——into the pleached bower,
Where honey-suckles, ripened by the sun,
Forbid the sun to enter."

that she may overhear the discourse of *Ursula* and her cousin, concerning the pretended love of *Benedick*. Her exclamation, as she emerges from her hiding-place, is,

"Contempt farewell, and *maiden pride*, adieu!"

These are the disguises she has worn hitherto, but she now casts them off, on finding that she is beloved by *Benedick*. She at once fully acknowledges his worth—

"Others say thou dost deserve—and I
Believe it better than reportingly."

Her heart had long before felt the truth of such commendations, and now that she is assured those feelings are returned, she permits her tongue to join in the praise of *Benedick*.

The ideas we have here imperfectly expressed of the character of *Beatrice* seem to be the foundation of Miss Tree's performance. She gives us a living portraiture of a fine, spirited, intellectual, and highly cultivated woman of the world, of a happy temper, and gay and voluble as a singing bird. But while she bears in mind that the quickness and brilliancy of *Beatrice's* wit and repartee constitute a chief element in her character; she does not forget, and does not suffer her audience to forget, that there are other elements necessary to compose the perfect whole, and present, faithfully embodied, the *Beatrice* which Shakspeare drew.

Feminine delicacy is one of the attributes of woman's character, which Miss Tree is not willing to dispense with; and while other actresses give the utmost sharpness and acerbity to every sarcasm and jest that *Beatrice* utters, we find Miss Tree occasionally delivering a repartee with a downcast air and softened tone, that show her innate sense of the propriety of Shakspeare's admonition, "not to overstep the modesty of nature."

Much of *Beatrice's* share in the brilliant dialogue between herself and *Benedick*, depends, for its character, on the style of the speaker—it is modest, if modestly spoken, and the reverse, if uttered only with a view to give it the greatest possible degree of point. But they who adopt the latter method, represent *Beatrice* as a vixen and termagant, whose ready wit and vivacity may excite admiration, but who has no counterbalancing quality to attract esteem. We are amused by her sallies, because they are not directed towards ourselves, for we feel that they must wound as well as dazzle; and we are disposed to commiserate *Benedick*, not to congratulate him, when he is

caught in the trap set for him by the *Prince*, and becomes entangled in the toils of matrimony. We dismiss him to his nuptials as one who is about to realize the truth of his own jeers against marriage, and with a certainty that if the drama were continued through another act, we should see him arrayed in the livery he had foretold for the husband of *Beatrice*, "a predestinate scratched face."

But very different are the emotions created by the *Beatrice* of Miss Tree. The softness of woman's tenderest tone, and the witchery of woman's kindest and most feminine smile, qualify the meaning of her words. The arrows of her voluble wit are shot off with a playful air that shows they are aimed only in sport; and her most scornful jests are delivered in a voice silvery and gentle, and accompanied by such a mirthful glance of the eye, that we see there is no league between her heart and her tongue. It is all "mirth, and no matter." We enjoy the encounter of her nimble wit with that of *Benedick*, because his character as a professed contemner of the power of love renders him a fair mark for such shafts as she aims at him; and we are pleased to see him foiled by so fair an antagonist, in a contest which he had himself provoked.

We accompany them to the altar with a sense of gratification that two such congenial spirits are to be united in wedlock; and when the curtain falls upon the drama, our imagination completes the story, by allotting such happiness to the married pair, as young persons of mutual intelligence and good humour, with mutual attachment founded on the basis of esteem, may reasonably count upon enjoying.

The *Benedick* of Mr. Mason would have elicited higher commendation, if that of Charles Kemble had not disqualified us from appreciating moderate excellence in

the part. The latter was the perfection of acting; and other *Benedicks* tried by the standard thus furnished, must always be pronounced wanting. This comparative criticism is not fair, when it is avoidable; but Mr. Kemble has not left us a free agent on the subject, and we shall never again see *Benedick* personated, or read a line of the part, without thinking of him.

The *Claudio* of Mr. Fredericks, and the *Don Pedro* of Mr. Richings, were both creditable performances. There was not as much of "the May of youth and bloom of lustyhood" in the appearance of the former, as a strict regard to the text would have required; and a more melancholy bearing in the scene where he is sought by *Benedick*, that he may challenge him for the wrong done to *Hero*, would have been more in consonance with truth and nature.

The *Hero* of Mrs. Gurner was a delicate and graceful personation.

An air of premeditation and design on the part of *Dogberry*, in the delivery of his blunders, impaired their comic effect. They did not fall from his tongue as if he entertained no doubt of the perfect accuracy and eloquence of his language.

The characters, generally, were well sustained; and the music of *Balthazar* and his companions in the second act, deserves this praise, at least—that it answered exactly the description given of it in the text, when *Benedick* says, "An he had been a dog that should have howled thus, they would have hanged him." The audience seemed very much of the same opinion.

THE QUESTION OF SLAVERY NARROWED TO A POINT.

From the Plaindealer of April 15, 1837.

—————Farewell remorse !

Evil be thou my good ! By thee, at least,

——I more than half, perhaps, will reign.

MILTON.

THE temperate and well-considered sentiments of Mr. Rives on the subject of slavery, as expressed in the Senate last winter, when certain petitions against slavery in the District of Columbia were under consideration, do not meet with much approval in the southern states. But the violent language of Mr. Calhoun is applauded to the echo. Mr. Rives, it will be remembered, admitted, in the most explicit manner, that "slavery is an evil, moral, social, and political;" while Mr. Calhoun, on the other hand, maintained that "it is a good—a great good."

We have a paragraph lying before us, from the *New-Orleans True American*, in which the sentiments of Mr. Calhoun are responded to with great ardour, and the admission that slavery is an evil is resisted as giving up the whole question in dispute. The writer says :

"If the principle be once acknowledged, that slavery is an evil, the success of the fanatics is certain. We are with Mr. Calhoun on this point. He insists that slavery is a *positive good* in our present social relations—that no power in the Union can touch the construction of southern society, without actual violation of all guaranteed and unalienated rights. This is the threshold of our liberties. If once passed, the tower must fall."

Reader, contemplate the picture presented to you in this figurative language : the tower of liberty erected on

the prostrate bodies of three millions of slaves. Worthy foundation of such an edifice! And appropriately is the journal which displays such anxiety for its stability termed the *True American*.

"Evil, be thou my good," is the exclamation of Mr. Calhoun, and myriads of true Americans join in worship of the divinity thus set up. But truth has always been a great iconoclast, and we think this idol of the slaveholders would fare little better in her hands than the images of pagan idolatry.

If the question of the abolition of slavery is to be narrowed down to the single point whether slavery is an evil or not, it will not take long to dispose of it. Yet it would perhaps not be an easy thing to prove that slavery is an evil, for the same reason that it would not be easy to prove that one and one are two; because the proposition is so elementary and self-evident, that it would itself be taken for a logical axiom as readily as any position by which we might seek to establish it. The great fundamental maxim of democratic faith is the natural equality of rights of all mankind. This is one of those truths which, in our Declaration of Independence, the Bill of Rights of this Confederacy, we claim to be self-evident. Those who maintain that slavery is not an evil must repudiate this maxim. They must be content to denounce the attempts to abolish slavery on the same ground that Gibbon* denounced the petitions to the British Parliament against the slave trade, because there was "a leaven of democratical principles in them, wild ideas of the rights and natural equality of man," and they must join that full-faced aristocrat in execrating "the fatal consequences of democratical principles, which lead by a path of flowers to the abyss of hell." If they admit man's natural

* See his letter to Lord Sheffield, *Miscellaneous Works*, vol. 1, p. 349.

equality, they at once admit slavery to be an evil. "In a future day," says Dymond, in his admirable work on morals, "it will probably become a subject of wonder how it could have happened that, on such a subject as slavery, men could have inquired and examined and debated, year after year; and that many years could have passed before the minds of a nation were so fully convinced of its enormity, and of their consequent duty to abolish it, as to suppress it to the utmost of their power. This will probably be a subject of wonder, because the question is so simple, that he who simply applies the requisitions of the moral law finds no time for reasoning or for doubt. The question as soon as it is proposed is decided."

But if we shut our eyes upon the moral law, and decide whether slavery is a good or an evil with sole reference to the test of utility; if we consider it merely a question of political economy, and one in which the interests of humanity and the rights of nature, as they affect the slave, are not to be taken into account, but the mere advantage of the masters alone regarded, we shall still come to the same conclusion. The relative condition of any two states of this Confederacy, taking one where slavery exists, and one where it does not, illustrates the truth of this remark. But it would not be difficult to prove, by a process of statistical arguments, that slave labour is far more costly than free, wretchedly as the wants and comforts of the slaves are provided for in most of the southern states. So that, limiting the inquiry to the mere question of pecuniary profit, it could be demonstrated that slavery is an evil. But this is a view of the subject infinitely less important than its malign influence in social and political respects, still regarding the prosperity of the whites as alone deserving consideration. When the social and political effects on three millions of black men

are superadded as proper subjects of inquiry, the evil becomes greatly increased.

But to enter seriously into an argument to prove that slavery is an evil would be a great waste of time. They who assert the contrary do so under the influence of such feelings as are evinced by the ruined archangel, in the words from Milton which we have quoted at the head of these remarks. They do so in a tone of malignant defiance, and their own hearts, as they make the declaration, throb with a degrading consciousness of its falsehood.

The position that no power in the Union can touch the construction of southern society without violating guaranteed rights, will no more bear the test of examination, than the assertion that slavery is not an evil. There is no power, we concede, in the federal government to abolish slavery in any state, and none in any state to abolish it except within its own limits. But in as far as a free and full discussion of slavery, in all its characteristics and tendencies, may be considered as touching the construction of southern society, the right belongs to every citizen; and it is by this mode of touching it that it is hoped eventually to do away entirely with the deplorable evil. It cannot always exist against the constant attrition of public opinion.

The right to discuss slavery exists in various forms. It is claimed, in the first place, that Congress has absolute authority over that subject, so far as it relates to the District of Columbia. Every state, also, has authority over it within its own limits. And the people of the United States have absolute authority over it, so far as it presents a question to be considered in reference to any proposed amendment of the federal constitution. Suppose, for example, it should be desired by any portion of the people, to change the basis of southern representation in Con-

gress, on the ground that slaves, being allowed to have no political rights, but being considered mere property, ought not to be enumerated in the political census, any more than the cattle and sheep of northern graziers and wool-growers. The Constitution is amenable in this, as in every other respect, with the single exception of the equal representation of every state in the federal Senate ; and it is consequently a legitimate subject of discussion. Yet the discussion of this subject involves, naturally and necessarily, a consideration of slavery in all its relations and influences. Suppose, again, any portion of the citizens of a state where negroes are not held to bondage, but are not admitted to equal suffrage, as in this state, should desire those distinctive limitations to be removed. This is a legitimate question to be discussed, and the discussion of this brings up the whole subject of slavery. Or suppose, thirdly, that any persons in a free state should desire to re-instate negro slavery. The south would scarcely quarrel with them for seeking to carry their wishes into effect ; yet they could only hope to do so through the means of a discussion which would legitimately embrace every topic connected with slavery, nearly or remotely.

It is by discussion alone that those who are opposed to slavery seek to effect a reconstruction of southern society ; and the means, we think, if there is any virtue in truth, will yet be found adequate to the end. If slavery is really no evil, the more it is discussed, the greater will be the number of its advocates ; but if it is "an evil, moral, social and political," as Mr. Rives has had the manliness to admit, in the very teeth of Mr. Calhoun's bravado, it will gradually give way before the force of sound opinion.

THE POWER OF THE FEDERAL GOVERNMENT OVER THE DISTRICT OF COLUMBIA.

[*From the Plaindealer, April 15, 1837.*]

WE copied, a fortnight ago, the resolution adopted in the lower branch of the Massachusetts Legislature, on the subject of the right of petition and the right of abolishing slavery in the District of Columbia. Since that time the Senate of Massachusetts has adopted the following resolutions, the first by a unanimous vote, and the second with but one dissenting voice.

“*Resolved*, That Congress having exclusive legislation in the District of Columbia, possesses the right to abolish slavery and the slave trade therein; and that the early exercise of such right is demanded by the enlightened sentiment of the civilized world, by the principles of the revolution, and by humanity.

“*Resolved*, That slavery, being an admitted moral and political evil, whose continuance, wherever it exists, is vindicated mainly on the ground of necessity, it should be circumscribed within the limits of the states where it has been already established; and that no new state should hereafter be admitted into the Union whose constitution of government shall sanction or permit the existence of domestic slavery.”

The resolutions were not concurred in by the other branch of the legislature, upon which the Senate receded from them, and adopted the resolutions of the popular branch, as heretofore given in this paper.

The proceedings of the Legislature of Massachusetts have elicited much and various comment. Some journals, with that contemptible desire of twisting every circumstance to the uses of party, which distinguishes the newspaper press of this country, treat these resolutions

as a whig measure, while others are equally anxious to charge them upon the democrats. The *Washington Globe*, the *Richmond Enquirer*, the *Albany Argus*, and the American of this city, are the leading prints that seek to give a party complexion to the proceeding. The *National Intelligencer* takes higher ground, and speaks of the resolutions according to its opinion of their intrinsic character and tendency, without rushing in the face of notorious facts to impute them to either of the parties into which men are divided on other questions of politics.

“The right of the people peaceably to assemble, and to petition the government for a redress of grievances,” is declared in the first article of the amendments to the Constitution, and Congress is expressly forbidden to make any law abridging that right. The question which arises on the terms of the article is whether the right extends no further than to the mere offering of a petition, or whether it includes an obligation upon the government to receive it, and to make such disposition of it as may seem proper under the circumstances. It seems to us, clearly, that a *law* of Congress, refusing to receive petitions on any particular class of subjects, would be a violation of the plain intent and meaning of the Article. A *resolution* of either house of Congress, to the same effect, does the work of a *law*, and seems to us equally a violation of the constitutional provision. But as the *Intelligencer* waves this point as a matter of argument, and confines itself to a simple expression of opinion, we shall also content ourselves, for the present, with stating in these general terms our contrary view of the duty of Congress in regard to petitions.

The alleged power of Congress to abolish slavery and the traffic in slaves in the District of Columbia, presents a topic which the *Intelligencer* deems worthy of more particular notice. It pronounces it a “despotic power,”

and enters its "solemn protest" against the doctrine. Despotic power is a phrase somewhat revolting to democratic ears, because people are accustomed to associate the idea of despotism with that of the unlimited and arbitrary rule of a single tyrant; but despotic power is neither more nor less than absolute power, whether exercised by one or many, by an autocrat at the impulse of his mere will and pleasure, or by the representatives of a people, according to the written provisions of a constitutional charter as their own creation. Despotic power is neither more nor less, to use the constitutional phrase, than the power "to exercise exclusive legislation, in all cases whatsoever," over the district given up to such legislation. The power of Congress over the District of Columbia is in very truth *despotic power*; that is, it is absolute power; that is, it is the power of exclusive legislation in all cases whatsoever.

The states of Virginia and Maryland, when they ceded the territory to the federal government which now constitutes the District of Columbia, surrendered it to this power of exclusive legislation. The federal government could receive it upon no other condition than that specified in the Constitution, that it should possess the right to exercise over it absolute rule in every possible respect not expressly interdicted by the Constitution. They who then resided or owned property in that limit, if they were dissatisfied with the surrender could remove or dispose of their possessions. The being put to that inconvenience and possible loss constituted a fair subject of petition for indemnity to the sovereign power of their own state. If they chose to remain and suffer themselves and their possessions to be transferred from state to federal authority, they did so with a full knowledge that their rights of personal property then came under the "exclusive legislation of Congress in all cases whatso-

ever," with no limits whatever upon its power, but those expressed in the provisions of the Constitution. The foundation of the right of property in every country is the law of the land. The foundation of the right of property in Virginia and Maryland is the law of Virginia and Maryland. When Virginia and Maryland surrender a portion of their territory to another government, relinquishing to that other government exclusive right of legislation in all cases whatsoever, the foundation of the right of property in the territory so relinquished then rests in the legislative power to which the surrender is made. The owners of property hold their possessions subject to the control of a despotism. This is the case with the inhabitants of the District of Columbia, and so much for the legal right of Congress to abolish slavery there. The moral right, or what the *Intelligencer* terms the expediency of the measure, constitutes another question which we do not feel called upon to discuss at the present time.

A FEW WORDS TO THE ABOLITIONISTS.

[*From the Plaindealer, April 22, 1837.*]

THE temper in which some of the newspapers, devoted to the abolition of slavery, treat that momentous subject is exceedingly reprehensible—hardly less so, indeed, than that opposite spirit of fanaticism and persecution against which we have so repeatedly and earnestly exerted our voice. The emancipation of three millions of human beings from degrading servitude is a great and noble object, and the means should partake of the same character. Exciting and opprobrious language, insulting jeers, angry denunciations, and uncalled for imputations of unworthy motives, should be scrupulously avoided. They who are

governed by the right spirit in endeavouring to accomplish the enfranchisement of the blacks, aim to achieve a great good to the master, as well as to the slave. They aim to do away an evil, moral, social and political, and one that exercises a pernicious influence on all classes of men where it exists. A motive of so much benevolence and philanthropy is best and most effectually shown, in its true character, by kind and assuasive means. But such are not the means resorted to by several of the leading abolition papers. Their language is acrimonious; their condemnation of the slaveholders is sweeping and malignant; their jibes and taunts are full of sharpness and asperity; and the grossest imputations are uttered in bold assertions, without being supported by a syllable of proof. All this is bad, very bad, and tends to retard the good work, which they profess themselves desirous to promote.

It is difficult, we readily concede, for we have experienced it to be so on more than one occasion, to temper with becoming moderation the expressions which indignation naturally prompts on perusing the accounts of those outrages which the negroes and their defenders constantly suffer. We do not know that it is even desirable that, on such occasions, a writer should strive to give vent to his emotions of abhorrence and reprobation in a rill of soft and musical words. Let him pour out his sentiments in a torrent of manly eloquence; let him express himself freely and warmly; let his pen obey the dictates of his heart; let him "cry aloud and spare not." But while we do not condemn, but rather commend, such fervour as honourable, when provoked by the immediate spectacle of wrong and outrage, we would not always come to the consideration of the question of slavery in such an excited temper. It is a question for calm discussion. It is a question of facts and arguments. It is a question which involves vast interests. It is fraught with momentous

consequences. It concerns the peace, happiness, and prosperity of millions of fellow-beings. It is inseparably connected with political considerations of the gravest and holiest kind. It is, in short, a question, more than any other which can arise in our Confederacy, that imperatively calls for caution, temperance, and kindness, in the discussion of it. We should not approach it with malevolence in our hearts, either towards the master or slave. We should not approach it as partisans or sectarians. We should come to it only as friends of freedom and humanity, as champions of equal rights, solely desirous of accomplishing that noble end of democratic effort—the greatest good of the greatest number of our fellow men.

This is not the spirit which some of the abolition prints display. The following article, for example, from a recent number of the *Boston Liberator* will not stand the test of the rule we have laid down. It is acrimonious, vindictive, intolerant, and unjust, and unworthy, in every respect, of the cause in which that newspaper is engaged.

The article referred to, after alluding to certain religious anniversaries which are about to be held in this city, Philadelphia and Boston, continues in the following wise :

“ It is expected that many slaveholding ministers and christians from the south will be in the above named cities in May. They are coming on to pray and make speeches at our anniversaries.

“ But let our coloured citizens beware of these southern ministers and christians. They *may* have another object in attending our anniversaries, besides praying and making speeches. This object very nearly concerns our coloured citizens. These slaveholders think all coloured people ought to be slaves. They look upon you as property, and when they see you and your wives and

children walking through the streets, instead of thinking how to do good and save your souls, they think how much you would bring in the market, if they could get you to Baltimore, Washington, Richmond, or New-Orleans.

“So after having made a long prayer and a good speech at an anniversary, perhaps you will find them at night lurking about your houses, to catch you and carry you off to the south. As you come out of your doors, it may be they will spring upon you, knock you down, gag you, chain and fetter you, give you a good cowhiding to keep you still ; and then take you to some ship in the harbour and send you to the south.

“Especially, if there has been a contribution at the anniversary, and they have given any thing, then it especially stands you in hand to beware. You may expect that they will indemnify themselves by stealing your wives and children. They know our city authorities will not protect you. They know the ministers and christians of New-York and Boston will think just as well of them if they do kidnap a goodly number of our citizens.

“I warn you to keep in doors. Lock, bolt and bar your doors. Close your shutters. Be careful how you appear at the anniversaries. How do you know but while the slaveholder is making a speech, he may mark you out for his prey ? I tell you, slaveholding ministers are accustomed to steal men, women and children every day. It is the first great object of their lives. The next is praying and preaching.

“Up, watch, look out for slaveholding ministers and christians, or your wives and children may be torn from your embrace, and dragged away to weep, to pine and die in the land of tears and blood.”

Can anything be in a worse temper than this ? It is such articles, and such conduct as naturally and almost necessarily flows from the circulation of such articles,

that cause the opponents of slavery to be denounced as fanatics and incendiaries. There is certainly both a fanatical and incendiary spirit and tendency in the remarks we have copied. The abolitionists may rely upon it that they do not advance their object by ebullitions so intolerant and denunciatory. Their natural effect is to exasperate opponents and abate the zeal of friends.

CONNECTION OF STATE WITH BANKING.

[From the *Plaindealer*, May 6, 1837.]

A PARAGRAPH from a recent number of this paper, under the head of *Political Meddling with Finance*, is copied by the *Richmond Whig*, and commented upon as a concession that the "experiment" of the last administration, with regard to the currency, has failed. That journal holds the following language:

"The following article from the *Plaindealer*, the ablest and most honest Van Buren paper with which we are acquainted, makes the important concession that the great '*Experiment*' of the *hero* has failed. This conveys no information to our minds, for we have never for one moment been so far deluded as to believe that the result of the tinkering of the currency would be otherwise than it is. Apart from the concession of the failure of the '*Experiment*,' the reason assigned for that failure is worthy of notice. 'Instead of dissolving all connexion between the government and the banks, that connexion has been rendered more complicate,' says the writer, by the new system. Of course it has. That the government might have indisputable control of the banks, and employ them as partisan engines, was the consideration which prompted the '*Experiment*.' All who

were honest, and had any acquaintance with finance and commerce, foresaw and foretold that the prostitution of the currency of the country to party would bring ruin."

We thank the *Richmond Whig* for the complimentary terms in which it speaks of us ; though, without any affectation of modesty, we must disclaim the justice of its praise, while an administration newspaper, published in this very city, comes daily under our notice, conducted not only with strict integrity, but in the most enlightened and philosophical spirit of political discussion, and showing, in almost every leading article, rare scholarship, great copiousness of logical resources, felicitous command of language, earnest patriotism, large views of public economy, and firm devotion to the cause of truth, joined with such kindness of temper as strips controversy of its bitterness, and leaves the decision of questions to the unclouded judgment of its readers. It would be a happy thing for the people, if there were more newspapers, on both sides of the dividing line of parties, directed by a spirit of so much purity and intelligence. We need not add that we allude to the *Evening Post*.

There is another point in the commendation of the *Richmond Whig* which requires to be set right. This is not a Van Buren paper. The great purpose of our journal is to advance the cause of political truth. We do not adopt, as our maxim, the stale and deceptive cant of *principia non homines*, which is usually the motto of those whose purposes are utterly selfish and base. We contend for men, as well as principles ; but for the former as the means, and the latter as the object. For this reason, we are friendly to Mr. Van Buren, considering him as the instrument chosen by the democracy of the country to carry into effect democratic principles in the administration of the federal government. So far as he

is true to that great trust, he shall assuredly have our zealous support; but we shall support him in no deviation, however slight, from the straight and obvious path of democratic duty, and should he, in any instance, stray widely from it, he will assuredly encounter our decided opposition. Of this we have already given an earnest, in our condemnation of the strange and startling avowal with which he commenced his executive career—his precedaneous exercise of the veto power. It is an unwarrantable use of political metonymy, then, to call the *Plaindealer* a Van Buren journal. It is a democratic journal, and is ambitious of no higher name.

With regard to the imputed concession made by this paper, we only ask that our language should not be strained to larger uses than its obvious purport justifies. We do not consider that the "*experiment*" has failed, if by that party catchword is meant the measures of the last administration in regard to the United States Bank. We approved then, and approve now, the veto of the bill to recharter that institution. We approved then, and approve now, the removal of the federal revenues from its custody. And we should consider the reinstitution of a bank, in the popular sense of that word, by the federal authority, as one of the very worst evils which could befall our country. What we disapprove now, and what we have always disapproved, is that the government should connect itself, in any way, or to any extent, with the business of banking. When it removed its money from the federal bank, it should not have deposited it with the banks which exist under state authority. It should have stood wholly aloof from such institutions. The only legitimate use which it has for its funds is, in our view, to pay its necessary expenses; and the only legitimate keeper of them in the meanwhile is itself. The treasures of the United States are raised by taxation, in

specified modes, for the purpose of paying the debts and providing for the common defence and general welfare of the country. The Constitution recognizes nothing as money but gold and silver coin; and the government should therefore receive its revenues in nothing else. It recognizes, in strictness, nothing as an object to which those revenues are to be applied but the necessary expenses incurred in conducting the general political affairs of the Confederacy. The safe keeping of the money, then, is the only object to be effected, between the collection and the disbursement of it. For this purpose the government is itself fully competent. It has but to establish a place of deposit, under proper guardians, in the commercial focus of the country, and pay the various branches of public service with checks or drafts on that depository. It has, properly, nothing to do with the exchanges of the country. They are an affair of trade, which should be left to the laws of trade. It has, properly, nothing to do with the currency, which is also an affair of trade, and perfectly within the competency of its own natural laws to govern. Let the government confine itself to its plain and obvious political duties. Let it have nothing to do with a "credit system." Let it connect itself neither with corporations nor individuals. Let it keep its own money, taking care that it is *money*, and not *promises*; and let it leave it to unfettered sagacity and enterprise to devise and carry into effect whatever system of exchange and credit may be found most advantageous to the commercial interests of society.

The first objection which will probably suggest itself to these views is, that they contemplate the keeping of a vast fund of the precious metals hoarded up from use, which might be profitably employed as the basis of commercial credit. But is it not necessary that the fund should be vast? and, on the contrary, it is admitted by

politicians both of the democratic and aristocratic sects, the former on general political principle, and the latter from aversion to the dominant party, or distrust of its integrity, that the revenue should be adjusted to the scale of expenditure. The keeping of the surplus safely locked up in the shape of money, would afford an additional motive to both parties to increase their efforts to reduce the revenue to the minimum amount. Again, as to this money being susceptible of being usefully employed as a basis of credit. Credit to whom? The government does not need it; for it has no business to transact on credit. The people collectively do not need it; for it is as much a part of the substantial wealth of the country under the lock and key of the federal treasury, as it would be under that of any bank or individual. And no bank or individual needs it; for the credit of every bank and of every person is sufficiently extended when it covers the basis of their own real wealth. If extended beyond this, on the basis of a loan or deposit from the government, it is obvious such bank or individual would be deriving an advantage by jeopardizing the money of the government; that is, of the people; that is, the rights of the many would be endangered for the benefit of the few.

Another objection to our theory may be urged, that if the government gathered its revenue for safe keeping at any one point, its checks on that fund, in some quarters where payments would be necessary, would be below par, and the receiver of them would thus be defrauded of a portion of his dues. This would not be so, in fact, in any part of our country, if the commercial focus of the Confederacy were selected as the place for the federal depository. Should it happen, however, in relation to any branch of the public service, say, for example, some military outpost, the government would but be under the necessity of transporting the requisite amount of

funds to such outposts ; and the cost of doing so would be as much the legitimate expense to be defrayed out of the general fund, as any other expense incurred in the conducting of our political affairs. The same remark will hold good of the cost of conveying the revenues from the various points where collected, to the place of general deposit.

These are, in brief, our views as to the duty of the federal government, in regard to the collection and disbursement of its revenues. The great object which we desire to see accomplished, and to the accomplishment of which, we think, the course of things is obviously tending, is the utter and complete divorcement of politics from the business of banking. We desire to see banking divorced not only from federal legislation, but from state legislation. Nothing but evil, either in this country or others, has arisen from their union. The regulation of the currency, and the regulation of credit, are both affairs of trade. Men want no laws on the subject, except for the punishment of frauds. They want no laws except such as are necessary for the protection of their equal rights. If the government deposits its money with a corporation, a voluntary association, or an individual, it does so either on the condition of some return being rendered, or none. If none, an advantage, which is the property of the whole people, is given to one or a few, in manifest violation of the people's equal rights. If it receives a return, that return is either an equivalent or not. But no corporation, association, or individual would render an exact equivalent, since only the profit of the trust would present a motive for assuming it. If the return is not an equivalent, it is still manifest that one or a few are benefited at the expense of the many.

We are no enemy to banking. It is a highly useful branch of trade. It is capable of accomplishing many

important results, the advantages of which, without legislative control or impediment, would naturally diffuse themselves over the whole surface of society. Banking is an important wheel in the great machine of commerce ; and commerce, not confining the word to merchants, who are mere intermediaries and factors, but using it to express the stupendous aggregate of that vast reciprocal intercourse which embraces alike the products of agriculture and art, science and literature—commerce is the efficient instrument of civilization and promoter of all that improves and elevates mankind. We cannot therefore be an enemy of any essential part in so beneficent a whole. Our hostility is not directed against banking, but against that legislative intermeddling, by which it is withdrawn from the harmonious operation of its own laws, and subjected to laws imposed by ignorance, selfishness, ambition and rapacity.

The “experiment” of the last administration, so far as it was an experiment intended to separate the government from connexion with banks, and to bring about the repudiation of every thing but real money in its dealings with the citizens, has our warmest approbation. The specie circular, for the same reason, is an “experiment” which we wholly approved, and Mr. Van Buren has strengthened our good opinion of him by his firmness in adhering to that measure, against the clamour of which it has been made a prolific theme. Glad should we be, if a law, of a tenor corresponding with that order, were enacted in relation to the payments at the customs. We should be rejoiced if the federal government should set so noble an example to the monopoly-loving legislatures of the states, and teach them that the money of the Constitution is the only money which should be known to the laws. They who ascribe the present embarrassments of trade to the “experiments” of Andrew Jackson are not wholly in the

wrong. Much of the present evil, we do not question, might have been avoided, had the United States Bank been quietly re-chartered, without opposition, and without curtailment of its powers. It would then have had no motive for its alternate contractions and expansions, beyond the mere desire of pecuniary gain, unless, indeed, it had chosen to play the part of "king-maker," and dictate to the people whom they should elect to fill their chief political trusts. But not being quietly re-chartered, it undertook to coerce the administration to do what it was not disposed to do of its own free will, and hence was tried, in the first place, the efficacy of a sudden pressure, and afterwards of a sudden expansion. It was this course which gave the original impulse to the spirit of wild speculation, and led to the creation of such a large number of banking institutions by the several states. The result, probably, was not wholly unforeseen by the late President, when he refused his signature to the act renewing the charter of the United States Bank. The path of duty, however, lay plain before him; and to turn aside from it would have been as inexcusable, as would be the conduct of that judge who should pardon an atrocious criminal from the fear that, if executed, his confederates might embrace the occasion to excite a tumult, and throw the community into temporary disorder. The course of justice ought not to be stayed by such a consideration in the one case more than in the other.

If the community desire a banking institution, capable of regulating the currency and the exchanges, and possessed of all the power for good which distinguished the United States Bank, without that enormous power of evil by which it was more distinguished, let them, through the ballot-boxes, insist on the abolition of all restraints on the freedom of trade. Enterprise and competition, if they were free to act, would soon build up a better bank than

it is in the power of Congress to create, putting out of sight the constitutional objection ; and they would regulate its issues, ensure its solvency, and confine it within the proper field of bank operations, far more effectually than could the most cunningly devised checks and conditions which legislative wisdom ever framed. This is the great "experiment" which has yet to be tried ; and it requires no spirit of prophecy to foresee that one of the great dividing questions of politics for some years to come will resolve itself into a demand, on the one hand, for a federal bank, and, on the other, for the total separation of bank and state. We have provided with great care against the union of politics and religion ; but in our judgment a hierarchical mixture in our government is not more to be deprecated than an alliance between legislation and banking. *Church and State*, has an evil sound ; but *Bank and State* grates more harshly on our ears.

THE CRISIS.

“ Laissez nous faire.”

[*From the Plaindealer, May 13, 1837.*]

THE community is now experiencing a beautiful illustration of the excellence of the monopoly system. All the banks in this city suspended payment on Wednesday last, and it is to be presumed the example will be followed far and wide. Here, then, is an end of the safety fund bubble, the best system of banks and currency ever devised by human ingenuity, if we may believe the *Albany Argus*, and its followers of the monopoly school, and one of the worst that ever fraud imposed upon credulity, if we will but examine it by the lights of wisdom and experience.

We say here is an end of the safety fund bubble ; but this position is conditional on the people's asserting their equal rights, and demanding the absolute divorcement of legislation from the business of banking, and from all supervisory connection with trade and credit, further than the mere enforcement of the obligations of contracts, and the punishment of frauds. If the present condition of things does not impel them to do this, they are sunk in a depth of fatuity beyond all hope of redemption. It is as palpable to the mind, as the universal light of day to the senses, that the present anarchical and chaotic condition of financial affairs is the result, the direct and inevitable result, of the unholy alliance between politics and banking. The union of bank and state in this country is crushing the people under the weight of a despotism as grievous as was ever imposed upon mankind by the union of church and state. Better, far better, to be under the dominion of a hierarchy, than under the galling and ignoble rule of legislation money-changers.

What a world of wisdom there is in the brief phrase we have placed as a motto to this article ! Society, recovering from the delirium excited by the stimulus of special legislation, begins to see that true wisdom consists, not in regulating trade by a system of artificial checks and balances, perpetually liable to be thrown into disorder, which the very complication of the contrivance then renders almost irremediable, but simply *in letting trade alone*. There are abundant indications around us that we shall not long stand unaided in the views we have frequently expressed of the utter folly and inevitable evil of all legislative intermeddling with the natural laws of trade. Banking is a good thing enough in its intrinsic nature ; but government should have no connec-

tion with it, and should recognize nothing as money but silver and gold.

We are not an enemy to a paper representative of money, any more than we are to confidence between man and man in any other shape it may naturally assume, for mutual convenience, in the transaction of necessary dealings. We are not an enemy to banking, any more than we are to any other branch of traffic instrumental in carrying on the great commercial intercourse of society. We are an enemy only to a mixture of politics with banking; to the vain attempts to regulate the channels in which trade shall run; to that legislative intermeddling which withdraws credit from the harmonious operation of its own laws, disturbs its equal flow, and leaves the community to be at one time deluged with a cataclysm of paper money, and at another exposed to all the horrors of financial drought.

It would be a happy thing for this country, if the doubtful power under which banks are created had been positively withheld. It would be a happy thing if all right of interference with trade, either by immunities or prohibitions, by restraining laws or special charters, had been solemnly interdicted. More misery, more immorality, more degradation of the many for the undue elevation of the few, than can even be conjectured, have resulted from the vain attempts to regulate the currency. Let commerce, and let the currency, which is but an appendage and accident of commerce, regulate themselves; and let the government confine its attention strictly to the purposes which constitute the sole legitimate ends of political organization, the mere protection of person and property. We should then soon present to the world the spectacle of a people more free, more equally prosperous, and more happy, than has ever yet furnished a subject to the historian. The history of the

past is but a Newgate Calender on an extensive scale ; the history of the future would be a work of a sublimer character.

In the midst of the financial desolation which has been brought upon us by the inevitable operation of monopoly legislation—by the wretched charlatanry which seeks to prop up an artificial system of credit with special statutes, and hedge it round with penalties and prohibitions—the community has an ample opportunity to contemplate the consequences of that folly which would substitute the laws of man for those of nature, and wholly change the irreversible order of causes and effects. Can any man who has eyes to see, or ears to hear, or understanding to conceive, survey the deplorable wrecks of commerce and credit strewn on every side, the broken columns and arches of the great fabric of trade, or listen to the groans of an agonized community lying prostrate beneath the ruins, without the conviction rushing into his mind, that the melancholy result must be ascribed to those, who, clothed in brief legislative authority, interpose their fantastic expedients in place of that natural system which constitutes the eternal fitness of things. Each fragment of our shattered commerce bears, stamped in characters which he who runs may read, the forceful inscription—“THIS IS THE FRUIT OF MONOPOLY LEGISLATION.”

We were forewarned, timely forewarned, and by one whose counsel we had reason to respect, of the embarrassments in which special legislation would involve us. The messages of Andrew Jackson are replete with lessons of admonitory wisdom. But the passion of avarice had seized upon our hearts, and the desire of sudden riches outweighed the suggestions of reason. We behold now the consequences of our infatuation. We are now admonished by that sternest of teachers, experience. But

the lesson, though rude, will lead only to good, if we have the sense to pause, and read it aright.

The banks are broken, and, without legislative intervention, will soon forfeit their charters. We have been sorrowfully taught the miserable impotence of legislation ; it is the fountain from which the waters of bitterness have flowed ; let us not then again unseal it, that it may effuse another desolating flood. What can legislation do ? Insult the community, by confirming the special privileges of money changers, after their own acts have declared their utter worthlessness ? Enable a band of paper-money depredators to prey more voraciously than before on the vitals of the people ? Authorize them to pour out a fresh torrent of their promises, now really of no more value than the paper on which they are writ ? Will the community tolerate such an enormous fraud ?

Let the Banks perish ! Let the monopolists be swept from the board ! Let the whole brood of privileged money-changers give place to the hardy offsprings of commercial freedom, who ask for no protection but equal laws, and no exemption from the shocks of boundless competition. We commiserate the innocent who suffer by the downfall of the banks ; but we cannot consent that a mitigation of their troubles shall be purchased by the perpetuation of a system fraught with so much evil to the entire community. Now is the time for the complete emancipation of trade from legislative thralldom. If this propitious moment is suffered to pass by unimproved, the fetter, now riven almost asunder, will be rivetted anew, and hold us in slavery forever. The choice is presented to us of freedom or perpetual bondage. Let us demand, then, as with one voice, the reintegration of our natural rights ; let us protest against the renovation of that cumbrous fabric of legislative fraud and folly, which has fallen of its own weight, and, if raised again, will again topple

before the first commercial revulsion, to bury other myriads in its ruins.

If we knew any form of speech which would arrest the attention of our reader, or any mode of argument which would satisfy his reason, that we have not again and again used, we would employ it now, with all the earnestness of a sincere conviction of the importance of the subject, to persuade him that the only true ground of hope for the enduring prosperity of our commerce, in all its vast and complicated relations, consists in giving freedom to trade. Free banking is the system pursued in Scotland, and that country escapes revulsions, while England and America are exposed to continual paroxysms and collapsions, to expansions that unsettle all the foundations of property, and contractions that reduce whole communities to wretchedness and want. England, with all the monarchical and aristocratic potentiality of its government, has never yet been able to regulate the currency, with its stupendous machinery of finance. But Scotland, without any separate government, and without any legislative machinery of finance, has enjoyed a staple and uniform currency, because it has wisely been left to the natural laws of trade.

If the wants of the community require a great banking institution, capable of regulating the currency and exchanges, set trade free, and it will supply such an institution of its own accord. We need not go as humble petitioners either to our state or federal government, and beseech it to bestow special privileges on a few, that they may regulate the affairs of the many : we have only to adopt the franker and manlier course of demanding back those natural rights, of which we have been defrauded by dishonest and ignorant legislators. We need seek no immunity, but only claim our own. We need ask for the imposition of no new statute on the overburthened people, but only for the abrogation of laws which now

weigh them to the earth. We desire nothing but the common privilege of pursuing our own business, in our own way, without a legislative taskmaster to say how much we shall do, what equivalent we shall have for our toil.

The same enterprise which freights the ocean with our products, which breaks our rivers into a thousand eddies with the revolving wheels of steamboats, which permeates the land with canals, and binds state to state in the iron embrace of railroads, would be abundantly able to perform the humble functions of banker, without the aid of legislative favour, or protection. Enterprise would build up, and competition would regulate, a better system of banks than legislation ever can devise. We have tried, to our cost, the competency of the latter, and we are now tasting the bitter consequences of our credulity.

Let us now test the experiment of freedom. It cannot place us in a worse condition than that to which we have been hurled by the terrible avulsion of the monopoly system.

THE SAFETY FUND BUBBLE.

[*From the Plaindealer, May 20, 1837.*]

——— Help me, Cassius, or I sink !

SHAKSPEARE.

THE prayer of the insolvent Banks has been granted by our monopoly legislature, and they are permitted, in the teeth of their own confession of inability to perform their contracts, to continue to issue their worthless and lying promises, which the community are virtually obliged to receive as real money. Was there ever a piece

of grosser legislative fraud than this? Here have been merchants failing by scores for months past. Many of them show, to the entire satisfaction of their creditors, that their property far overbalances their debts. The difficulty of obtaining ready money has obliged them to suspend their payments; but it is rendered manifest, by a full exposition of their affairs, that not a dollar will ultimately be lost by those having claims upon them. The immediate cause which compelled these persons to suspend their business was the impossibility of obtaining money on any kind of securities. But that impossibility was itself the effect of another cause; and if we trace the connexion of cause and effect to the beginning, we shall find that the whole evil grew out of the monstrous expansion of bank credit, which provoked a most inordinate thirst of speculation, and stimulated men to undertake the wildest enterprises. These enterprises were of a nature to require a continually increasing expansion of bank credit. But there was a limit which the banks did not dare to overpass. When that limit was reached, the demand for money to sustain the mad projects which had been undertaken led to the freely giving of the most exorbitant rates of interest to private money dealers. These rates of interest soon consumed the actual means of speculators, and they were forced to sacrifice their property to meet the further demands upon them. Capitalists, seeing that the financial revulsion had commenced, withdrew from the field in alarm. The banks, fearful of a demand for specie, began to retrench as rapidly as they had expanded; and the merchant, in the meanwhile, who had pursued the even tenor of his way, neither enlarging nor diminishing his business, but keeping within those bounds which all former experience told him were compatible with safety, now began to experience the bitter consequences of folly in which he had had no share. In

vain he offered triple and quadruple securities for the sums necessary for the transaction of his business. The extravagance and rapacity of the banks had produced, as their natural fruit, a general prostration of commercial confidence. Individuals were afraid to lend; for in the midst of the fictitious values which speculation had given to every thing, they could not decide whether the proffered security was real or illusory, whether substantial or a mere phantom of property, which would melt to nothing in their grasp. The banks could not lend, for they were involved in the meshes of their own wide-spread net; and to extricate themselves, as the result has shown, was a task beyond their strength. They had been potent instruments in producing the general derangement, but were utterly powerless to remedy it. The consequence was, that many a sound and solvent merchant was arrested by inevitable necessity, in the midst of a prosperous career, and obliged to trust his affairs entirely to the mercy of his creditors, and to the sport of accident.

While these deplorable bankruptcies were taking place, we heard of no proposition of relief from our legislature; but the instant that the banks, those prolific fountains from which the streams of mischief flowed, became insolvent, all other business of the state was laid aside, and the sole question deemed worthy of consideration was what means should be devised for propping up the worthless monopoly institutions. As the result of legislative wisdom, employed on this commendable object, we have the following law.

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To discuss the particular provisions of the law which we have submitted to our readers would be a waste of their time and our own. It is enough that is the law. The measure, which the exigency of the times could not but suggest to every mind at all imbued with the true

principles of economic freedom, has not been accomplished ; but in its stead, a measure has been adopted, by an overwhelming majority, to continue the privileges of an affiliated league of monopolies, after the condition on which those privileges were originally granted has been violated, and the object they were designed to effect has utterly failed. The chartered banks should have been left to their fate. If they are solvent, no loss could occur to any connected with them, nearly or remotely, by such a course ; and if they are insolvent, on what principle of justice are they permitted to continue their depredations on the community ? The repeal of all the restraints on the trade in money would open the field of banking to universal enterprise and competition ; and enterprise and competition, in that branch of business, as in every other, would lead to the happiest results.

It was once feared that religion could not flourish, if separated from the supervision of government ; but the success of the voluntary principle in this country has refuted the theories of hierarchists. The success of the voluntary principle in banking would be not less exemplary. The day is coming, we are convinced, when men will universally deprecate all connexion between *Bank and State*, with as much abhorrent earnestness as they now deprecate a connexion between *Church and State*. We have no established religion ; why need we have an established bank ? One of two things is absolutely certain : either we must utterly dissolve the affairs of politics from those of trade ; or we must go back to the system of federal supervision. We must either have no chartered bank, or we must have a national bank. We must either leave trade wholly free, or place it under effectual control. Bad as is the scheme of a federal bank, worse evils are to be dreaded from the fraud and folly of state monopolies. The only true system—the system which has been proved to be good in every thing to which

its principles have been applied—the system in entire accordance with the fundamental maxims of liberty—is to confine politics to the affairs of government, and leave trade to its own laws. When our federal Government and our State governments separate themselves entirely from banking and credit, recognizing nothing as money but money, keeping their own revenues in their own custody, and leaving men to form their own system of currency and credit, without intervention, further than to enforce the obligation of contracts, or exact the penalty of violating them—then, and not till then, shall we be a happy and a prosperous people.

NEWSPAPER NOMINATIONS.

[*From the Plaindealer, May 20, 1837.*]

IN our last number, when commenting on the “no partisan” professions of the whig travelling committee, we stated that the proceedings of that veracious body had a direct reference to an intended nomination, at no distant day, of Mr. Webster, as a candidate for the office of President. Circumstances have forced this nomination to be made, in an informal manner, at an earlier day than was anticipated. The *Evening Star*, of Thursday last, having intimated, in pretty positive terms, that Mr. Clay is entitled to the support of the aristocracy, as their next candidate for the chief executive office of the Confederacy, the *Commercial Advertiser* and the *American* of the following evening eagerly reprehended the movement of their contemporary, and protested that Daniel Webster was their man. We are sorry to observe any signs of division in the ranks of our adversaries. We should be much better pleased to see them all unite, with one mind

and heart, on a single individual ; and we should be still better pleased if that individual were Mr. Webster. This would bring the strife on the true ground of antagonist political principles. It would call upon the people to array themselves under the standard either of democracy or aristocracy. It would show conclusively whether the intelligence of this country acknowledges the maxim that "PROPERTY IS THE TEST OF MERIT," or whether it still holds to the opposite maxim, "THE EQUALITY OF HUMAN RIGHTS."

The aristocratic party ought to select Mr. Webster for their candidate. They acted scurvily towards him in the last contest. To thrust him aside from the field, that they might array themselves under the petticoat banner of so poor an "available," such a mere effigy of a leader, as General Harrison, was, to say the least, mortifying treatment. They owe Mr. Webster reparation. They owe it to themselves, too, to pursue a more dignified course. Their political projects, heretofore, have been palpable confessions of inferiority. They have sought to disguise the true issue. They have seized hold of temporary and local questions. They have selected candidates, not with reference to their capacity or principles, but solely with reference to their supposed power of healing divisions, and uniting separate interests. It is time they should come out in their true characters, and avow the real objects for which they contend. Let them declare, then, their rooted distrust of the intelligence and integrity of the mass of the people ; their belief that property is the test of merit, and should be the basis of suffrage ; their opinion that the duty of government is to take care of the rich, leaving it to the rich to take care of the poor ; and their desire, for the furtherance of these objects, to establish a federal bank, with sufficient capital to buy up men and presses, like cattle in the market. At

the end of such a confession of faith, nothing could be in better keeping than the nomination of Daniel Webster for the office of President.

Mr. Webster is certainly a great man. We should oppose him, wholly, heartily, and with all the zeal of a firm conviction that his principles are hostile to liberty. But we do not hesitate to call him a great man; a man of strong and capacious mind, much information, vigorous powers of reasoning, and an uncommon flow of stern and majestic eloquence. He is greater as a lawyer than as a statesman; but in both characters he stands in the foremost rank. We admire the energy of his faculties. When passages of his speeches come before us, separate from a consideration of the questions which elicited them, we always peruse them with delight. The pleasure they afford us is but the involuntary homage which the mind pays to a superior intellect; but it changes, by a natural transition, to an opposite feeling, when we are led to reflect upon the nature of the objects for which he is exerting his abilities. Not to assist in enfranchising his fellow-man; not to hasten that glorious day-spring of equal liberty, which is beginning to dawn upon the world; not to spread wider and wider the principles of democratic freedom, and break down the artificial and aristocratic distinctions, which diversify the surface of society with such hideous inequalities, does Mr. Webster raise his voice in the Senate-house. The dogmas of his political creed, like the dogmas of an intolerant religion, would confine the blessings of government, as the latter would those of heaven, to an exclusive few, leaving all the other myriads of men to toil and sweat in a state of immitigable degradation. This is the true end and aim of the aristocratic creed. This is the true and inevitable tendency of their measures who contend for a national bank. This is their open profession when they proclaim

that property is the proof of merit, and, by the unavoidable converse, that poverty is the proof of unworthiness. For those who acknowledge such sentiments and motives, Mr. Webster is the proper candidate. He has talents and acquirements that must command respect ; his personal character is unimpeached ; and he has toiled long and strenuously in their service. We are glad that they are about to do all in their power to render a grateful return. The democracy will now have something to contend against, as well as something to contend for. There will be glory in overthrowing such an antagonist, as well as great gain in preserving the supremacy of their principles. With such an opponent as Harrison, we enter languidly into the contest, as a task of mere duty ; with such a one as Webster, we shall rush into it eagerly, as a matter of pride as well as patriotism.

THE MORALS OF POLITICS.

[*From the Plaindealer, June 3, 1837.*]

PUBLIC moralists have long noticed with regret, that the political contests of this country are conducted with intemperance wholly unsuited to conflicts of reason, and decided, in a great measure, by the efforts of the worst class of people. We apply this phrase, not to those whom the aristocracy designate as the "lower orders ;" but to those only, whether well or ill dressed, and whether rich or poor, who enter into the struggle without regard for the inherent dignity of politics, and without reference to the permanent interests of their country and of mankind ; but animated by selfish objects, by personal preferences or prejudices, the desire of office, or the hope of accomplishing private ends through the influ-

ence of party. Elections are commonly looked upon as mere game, on which depends the division of party spoils, the distribution of chartered privileges, and the allotment of pecuniary rewards. The antagonist principles of government, which should constitute the sole ground of controversy, are lost sight of in the eagerness of sordid motives; and the struggle, which should be one of pure reason, with no aim but the achievement of political truth, and the promotion of the greatest good of the greatest number, sinks into a mere brawl, in which passion, avarice, and profligacy, are the prominent actors.

If the questions of government could be submitted to the people in the naked dignity of abstract propositions, men would reason upon them calmly, and frame their opinions according to the preponderance of truth. There is nothing in the intrinsic nature of politics that appeals to the passions of the multitude. It is an important branch of morals, and its principles, like those of private ethics, address themselves to the sober judgment of men. A strange spectacle would be presented, should we see mathematicians kindle into wrath in the discussion of a problem, and call on their hearers, in the angry terms of demagogues, to decide on the relative merits of opposite modes of demonstration.

The same temperance and moderation which characterize the investigation of truth in the exact sciences, belong not less to the inherent nature of politics, when confined within the proper field.

The object of all politicians, in the strict sense of the expression, is happiness—the happiness of a state—the greatest possible sum of happiness of which the social condition admits to those individuals who live together under the same political organization.

It may be asserted, as an undeniable proposition, that

it is the duty of every intelligent man to be a politician. This is particularly true of a country, the institutions of which admit every man to the exercise of equal suffrage. All the duties of life are embraced under the three heads of religion, politics, and morals. The aim of religion is to regulate the conduct of man with reference to happiness in a future state of being; of politics, to regulate his conduct with reference to the happiness of communities; and of morals, to regulate his conduct with reference to individual happiness.

Happiness, then, is the end and aim of these three great and comprehensive branches of duty; and no man perfectly discharges the obligations imposed by either, who neglects those which the others enjoin. The right ordering of a state affects, for weal or wo, the interests of multitudes of human beings; and every individual of those multitudes has a direct interest, therefore, in its being ordered aright.

"I am a man," says Terence, in a phrase as beautiful for the harmony of its language, as the benevolence and universal truth of its sentiment, "and nothing can be indifferent to me which affects humanity."

The sole legitimate object of politics, then, is the happiness of communities. They who call themselves politicians, having other objects, are not politicians, but demagogues. But is it in the nature of things, that the sincere and single desire to promote such a system of government as would most effectually secure the greatest amount of general happiness, can draw into action such violent passions, prompt such fierce declamation, authorize such angry criminations, and occasion such strong appeals to the worst motives of the venal and base, as we constantly see and hear in every conflict of the antagonist parties of our country? Or does not this effect arise from causes improperly mixed with politics, and

with which they have no intrinsic affinity? Does it not arise from the fact, that government, instead of seeking to promote the greatest happiness of the community, by confining itself rigidly within its true field of action, has extended itself to embrace a thousand objects which should be left to the regulation of social morals, and unrestrained competition, one man with another, without political assistance or check? Are our elections, in truth, a means of deciding mere questions of government, or does not the decision of numerous questions affecting private interests, schemes of selfishness, rapacity, and cunning, depend upon them, even more than cardinal principles of politics?

It is to this fact, we are persuaded, that the immorality and licentiousness of party contests are to be ascribed. If government were restricted to the few and simple objects contemplated in the democratic creed, the mere protection of person, life, and property; if its functions were limited to the mere guardianship of the equal rights of men, and its action, in all cases, were influenced, not by the paltry suggestions of present expediency, but the eternal principles of justice; we should find reason to congratulate ourselves on the change, in the improved tone of public morals, as well as in the increased prosperity of trade.

The religious man, then, as well as the political and social moralist, should exert his influence to bring about the auspicious reformation. Nothing can be more self-evident than the demoralizing influence of special legislation. It degrades politics into a mere scramble for rewards obtained by a violation of the equal rights of the people; it perverts the holy sentiment of patriotism; induces a feverish avidity for sudden wealth; fosters a spirit of wild and dishonest speculation; withdraws industry from its accustomed channels of useful

occupation ; confounds the established distinctions between virtue and vice, honour and shame, respectability and degradation ; pampers luxury ; and leads to intemperance, dissipation, and profligacy, in a thousand forms.

The remedy is easy. It is to confine government within the narrowest limits of necessary duties. It is to disconnect bank and state. It is to give freedom to trade, and leave enterprise, competition, and a just public sense of right to accomplish by their natural energies, what the artificial system of legislative checks and balances has so signally failed in accomplishing. The federal government has nothing to do, but to hold itself entirely aloof from banking, having no more connexion with it, than if banks did not exist. It should receive its revenues in nothing not recognized as money by the Constitution, and pay nothing else to those employed in its service. The state governments should repeal their laws imposing restraints on the free exercise of capital and credit. They should avoid, for the future, all legislation not in the fullest accordance with the letter and spirit of that glorious maxim of democratic doctrine, which acknowledges the equality of man's political rights. These are the easy steps by which we might arrive at the consummation devoutly to be wished.

The steps are easy ; but passion, ignorance, and selfishness, are gathered round them, and oppose our ascent. Agrarian, leveller, and visionary, are the epithets, more powerful than arguments, with which they resist us. Shall we yield, discouraged, and submit to be always governed by the worst passions of the worst portions of mankind ; or by one bold effort, shall we regenerate our institutions, and make government, indeed, not the dispenser of privileges to a few for their efforts in subverting the rights of the many, but the beneficent promoter of the equal happiness of all ? The monopolists

are prostrated by the explosion of their overcharged system ; they are wrecked by the regurgitation of their own flood of mischief ; they are buried beneath the ruins of the baseless fabric they had presumptuously reared to such a towering height.

Now is the time for the friends of freedom to bestir themselves. Let us accept the invitation of this glorious opportunity to establish, on an enduring foundation, the true principles of political and economic freedom.

We may be encountered with clamorous revilings ; but they only betray the evil temper which ever distinguishes wilful error and baffled selfishness. We may be denounced with opprobrious epithets ; but they only show the want of cogent arguments. The worst of these is only the stale charge of *ultraism*, which is not worthy of our regard. To be ultra is not necessarily to be wrong. Extreme opinions are justly censurable only when they are erroneous ; but who can be reprehended for going too far towards the right ?

“ If the two extremes,” says Milton, in answer to the same poor objection, “ be vice and virtue, falsehood and truth, the greater extremity of virtue and superlative truth we run into, the more virtuous and the more wise we become ; and he that, flying from degenerate corruption, fears to shoot himself too far into the meeting embraces of a divinely warranted reformation, might better not have run at all.”

“ ABOLITION INSOLENC E.”

[*From the Plaindealer, July 29, 1837.*]

UNDER this head, the *Washington Globe* copies, from a Boston newspaper, the following paragraph :

“ The insolence of some of the reckless agitators who

attempt to excite the people by their mad practices, is insufferable. On the fourth, the American flag—the flag of the Union—the national banner—was suspended from a cord extended from Concert Hall to the *Illuminator* office nearly opposite. In scandalous derision of this glorious emblem, every star and stripe of which is as dear to every true American citizen as ‘the apple of his eye,’ a placard emanating, as we learn, from the *Illuminator* office, was suspended by the side of the flag, bearing in large letters, on one side, ‘Slavery’s Cloak,’ and on the other ‘Sacred to oppression.’ It remained only till it was noticed, when it was soon torn down. It is creditable to the assembled citizens who saw the scandalous scroll, that their insulted feelings were not urged to violent exasperation against the perpetrators of the outrage, and that the deed was treated with the contempt it deserved.”

The insolence of the abolitionists, in the case here adduced, owed its *insufferableness* to its truth. While the people are told that the spirit of the federal compact forbids every attempt to promote the emancipation of three millions of fellow-beings, held in abject and cruel bondage, and that even the free discussion of the question of slavery is a sin against the Union, a “reckless disregard of consequences” deserving the fiercest punishment which “popular indignation” can suggest, we are forced to consider the emblem of our federal union *a cloak for slavery* and *a banner devoted to the cause of the most hateful oppression*. The oppression which our fathers suffered from Great Britain was nothing in comparison with that which the negroes experience at the hands of the slaveholders. It may be “abolition insolence” to say these things; but as they are truths which justice and humanity authorize us to speak, we shall not be too dainty to repeat them whenever a fitting occasion is presented. Every American who, in any way, authorizes or countenances slavery,

is derelict to his duty as a christian, a patriot, and a man. Every one does countenance and authorize it, who suffers any opportunity of expressing his deep abhorrence of its manifold abominations to pass by unimproved. If the freemen of the north and west could but speak out on this subject in such terms as their consciences prompt, we should soon have to rejoice in the complete enfranchisement of our negro brethren of the south.

If an extensive and well-arranged insurrection of the blacks should occur in any of the slave states, we should probably see the freemen of this quarter of the country rallying around that "glorious emblem" which is so magniloquently spoken of in the foregoing extract, and marching beneath its folds to take sides with the slaveholders, and reduce the poor negroes, struggling for liberty, to heavier bondage than they endured before. It may be "abolition insolence" to call this "glorious emblem" the standard of oppression, but, at all events, it is unanswerable truth. For our part, we call it so in a spirit, not of insolence, not of pride speaking in terms of petulant contempt, but of deep humility and abasement. We confess, with the keenest mortification and chagrin, that the banner of our country is the emblem, not of justice and freedom, but of oppression; that it is the symbol of a compact which recognizes, in palpable and outrageous contradiction of the great principle of liberty, the right of one man to hold another as property; and that we are liable at any moment to be required, under all our obligations of citizenship, to array ourselves beneath it, and wage a war, of extermination if necessary, against the slave, for no crime but asserting his right of equal humanity—the self-evident truth that all men are created equal, and have an unalienable right of life, liberty, and the pursuit of happiness. Would we comply with such a requisition? No! rather would we see our right arm lopped from our

body, and the mutilated trunk itself gored with mortal wounds, than raise a finger in opposition to men struggling in the holy cause of freedom. The obligations of citizenship are strong, but those of justice, humanity and religion stronger. We earnestly trust that the great contest of opinion which is now going on in this country may terminate in the enfranchisement of the slaves, without recourse to the strife of blood; but should the oppressed bondmen, impatient of the tardy progress of truth urged only in discussion, attempt to burst their chains by a more violent and shorter process, they should never encounter our arm, nor hear our voice, in the ranks of their opponents. We should stand a sad spectator of the conflict; and whatever commiseration we might feel for the discomfiture of the oppressors, we should pray that the battle might end in giving freedom to the oppressed.

THE NATURAL SYSTEM.

[*From the Plaindealer, August 19, 1837.*]

THE opposition party and the monopoly democrats are alike the friends of an exclusive banking system, but differ widely, as to the authority on which such a system should rest. The one side advocates the monarchical principle of a great central bank established by federal authority, and the other is equally strenuous in favour of the aristocratic principle of state institutions. They both agree in the most extravagant eulogiums of "the credit system," and consider it the source of all the blessings and advantages which we enjoy. They alike disclaim, with seeming enthusiasm, on the resources of wealth which our country contains, on the activity of its industry, the boldness of its enterprise, and the fertility of its invention, ever on the stretch for new and speedier modes of gain; and they alike demand, with an air of

triumph, what has caused these resources of wealth to be explored, what has given energy to industry, confidence, and enterprise, and quickness to the inventive facilities of our countrymen, but the happy influence of "the credit system?" It is this, they tell us which had dug our canals, constructed our railroads, filled the forest, and caused the wilderness to smile with waving harvests. Every good which has happened to our country they ascribe to the credit system, and every evil which now afflicts it they allege may be effectually remedied by its aid. But they differ widely as to the mode of remedy; a cordon of state monopolies being the object aimed at on the one side, and a great central money power the darling project of the other.

For our own part, we are free to acknowledge that if we were confined to a choice of these evils we should not hesitate to decide in favour of the central bank. We are not alone in this sentiment. There are myriads and tens of myriads of true-hearted democrats in the land who, if the unhappy alternative were alone presented to them of a federal bank or a perpetuation of the system of exclusively privileged state monopolies, would decide promptly and earnestly in favour of the former. Better a single despot, however galling his rule, than more galling tyranny of a contemptible oligarchy. While a federal bank is not more dangerous to the principles of political liberty, its influence would be less extensively pernicious to public morals. They who live in the purlieus of a monarch's court may draw out but a sickly existence; but the moral health of a whole country suffers, when it is under the domination of a league of petty tyrants who fix their residences in every town, and taint the universal atmosphere with the contagion of luxurious example. Bad as is the monarchical principle of a federal bank, the aristocratic principle, which would distribute the same tremendous power among a thousand institutions

scattered throughout the confederacy, is worse. Mankind suffered heavier oppression under the rule of the feudal barons, than they had ever before suffered when the political power was centered in the throne. But they arrived not at the rich blessings of freedom, until monarchical and feudal tyranny were both overthrown, and the doctrine of divine right and exclusive privilege gave way before that of universal equality.

He who compares the financial history of Europe with its political, will be surprised to find how perfect is the analogy between them. Her ingenious and philosophical mind would be well employed in running the parallel. It would be found that political revulsions, as well as commercial, are the inevitable result, sooner or later, of conferring exclusively on the few privileges that belong, by nature, in common to all; and that all violations of the holy principle of equal rights, while in politics, they produce tumults, insurrections, and civil war, in economy, exercise a corresponding influence, and are followed by panic, revulsion, and a complete overthrow of all the established commercial relations of society.

The fundamental maxim of democracy and of political economy is the same. They both acknowledge the equal rights of all mankind, and they both contemplate the institution of "a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labour the bread it has earned." The preservation of man's equal rights is the be-all and the end-all of the natural system of government. The great maxim which acknowledges human equality is, in the political world, what gravitation is in the physical—a regulating principle, which, left to itself, harmoniously arranges the various parts of the stupendous whole,

equalizes their movements, and reduces all things to the most perfect organization. Monarchy, aristocracy, and all other forms of government, are founded on principles which deny the equal rights of mankind, and they all attempt to substitute an artificial system for that of nature. The effect is sometimes to produce a seeming increase of prosperity for a time; but nature avenges her violated laws sooner or later, and overthrows the unsubstantial fabric of presumption and pride.

The great end which is alone worthy of the efforts of the champions of democratic and economic truth, is to institute the natural system in all matters both of politics and political economy. Let them aim to simplify government, and confine it to the fewest purposes compatible with social order, the mere protection of men from mutual aggression. We need but few laws to accomplish this object. We need particularly few in regard to trade. What is the whole essence and mystery of trade, but an exchange of equivalents to promote the convenience of the parties to the barter? Leave the terms, then, to be settled by men's own notions of mutual convenience and advantage. There is no need of political interference.

Extreme simplicity is usually considered as the condition of barbarism, before man has raised himself by science and art from the degradation of mere animal nature. But the saying that extremes meet is as true in politics as in any of its applications. Simplicity may be the goal, as well as the starting-point, of social effort. Is it not a fact verified by the observation of every man of cultivated mind, that in religion, in literature, in art, and in the conventional manners of a community, simplicity and refinement go hand in hand? As society advances it throws off its cumbrous forms and ceremonies; it follows more and more the simple order of nature, which

does nothing in vain, but carries on its stupendous operations by the directest processes, linking cause and effect, without superfluous complication, and adapting its means with the utmost exactness to the end. Compare the nations of the earth, and see if simplicity and refinement are not always found together, in whatever respect the comparison is instituted. In architecture, why are the gorgeous edifices of Constantinople, glittering with "barbaric pomp and gold," deemed inferior to the plainer structures of the cities in western Europe? In literature, why are poems crowded with oriental splendour of imagery, and heaped with elaborate ornaments of diction, thrown aside by the reader of taste for those which breathe the unstudied sweetness of nature? In manners, why do those seem the most refined which seem most truly to flow from the promptings of native amenity and elegance of soul? It is because that is most excellent which comes nearest to the simplicity of nature. Nature does nothing in vain.

Simplicity in government is not less a proper object of those who wish to raise and refine the political condition of mankind. Look at those governments which are the most complex, and you will find that they who live under them are the most wretched. As governments approach simplicity, the people rise in dignity and happiness; and all experience as well as all sound reasoning on the certain data of induction, bears us out in the conclusion, that when they conform most nearly to the simplicity of nature, then will mankind have reached the utmost bound of political prosperity. Then will the cumbrous artificial and arbitrary contrivance of "the credit system," be abandoned, for the harmonious and beneficial operation of natural, spontaneous credit, the free exercise of confidence between man and man.

My selections from Mr. Leggett's published works here close. I had hoped to be able to add to this Collection some extracts from his correspondence. But want of space prevents it. I cannot resist, however, the temptation of closing these volumes with the following beautiful expression of his free and proud spirit. Another occasion may hereafter offer of laying before the public further specimens of his epistolary style. The annexed letter refers to the Congressional election of 1838, when Mr. L. was candidate in the nominating committee.

Copy of a Letter from WM. LEGGETT, to ———.

AYLEMERE, NEW ROCHELLE, October 24th, 1838.

MY DEAR SIR—Your kind letter of last Sunday came duly to my hands, as I trust this will to yours. The sanguine terms in which you express yourself, and in which you are not alone, do not inspire me with equal confidence of the result you anticipate. I have but faint expectations that the nomination of ——— can be set aside, and another name substituted in place of his. The same influences which carried him through the committee will force him down the throats of the people. The retainers and myrmidons of the office-holders are a numerous, active, and disciplined band, and their leaders have possession of the secret passes of our camp. The great meeting can be packed, as well as the nominating committee. And when you add to the number of those whom venal motives will directly actuate, the smaller, but not contemptible numbers, who will ignorantly, but honestly, approve the ticket as it stands, from fear of creating division in our party, should they do otherwise; and another number, smaller than either, perhaps, (so at least my self-love whispers me,) who are opposed to me, because they deem me rash, impetuous, and inexperienced, or that I would weaken a ticket to its undoing, otherwise strong enough to be carried—when you add these several elements of opposition to me together, you will find, I think, that they make a sum total much greater than the aggregate of those who regard me in that favourable light in which I am happy to be esteemed by you.

But though we cannot very confidently hope to effect our object entirely, I consider it fully in our power to teach the democracy a good lesson. We may teach them to distrust nominating committees, and all that worse than worthless machinery of party which places the selection of men, and, consequently, the decision of great measures, so far from the direct control of the popular will. They who are loudest and most incessant in the advocacy of regular nomination and established usages, know well what powerful weapons such nominations, and such usages, place in the hands of craft and chicanery.

What I am most afraid of is, that some of my friends, in their too earnest zeal, will place me in a false position before the public on the slavery subject. I am an abolitionist. I hate slavery in all its forms, degrees, and influences; and I deem myself bound by the highest moral and political obligations, not to let that sentiment of hate lie dormant and smouldering in my own breast, but to give it free vent, and let it blaze forth that it may kindle equal ardour through the whole sphere of my influence. I would not have this fact disguised or mystified, for any office the people have it in their power to give. Rather, a thousand times rather, would I again meet the denunciations of Tammany Hall, and be stigmatized with all the foul epithets with which the anti-abolition vocabulary abounds, than recant, or deny one tittle of my creed. Abolition is, in my sense, a necessary and a glorious part of democracy; and I hold the right and the duty to discuss the subject of slavery, and to expose its hideous evils in all its bearings, moral, social, and political, as of infinitely higher moment than to carry fifty sub-treasury bills. That I should discharge this duty temperately, and should not let it come in collision with other duties; that I should not let

hatred of slavery transcend the express obligations of the Constitution, or violate its clear spirit, I hope and trust you think sufficiently well of me to believe. But what I fear is, (not from you, however,) that some of my advocates and champions will seek to recommend me to popular support, by representing that I am not an abolitionist, which is false. All that I have written gives the lie to it. All I shall write will give the lie to it.

And let me here add, (apart from any consideration already adverted to,) that, as a matter of mere policy, I would not, if I could, have my name disjoined from abolitionism. To be an abolitionist, is to be an incendiary now, as, three years ago, to be an anti-monopolist, was to be a leveller, and a Jack Cade. See what those three short years have done in effecting the anti-monopoly reform; and depend upon it, that the next three years—or, if not three, say three times three, if you please, will work a greater revolution on the slavery question. The stream of public opinion now sets against us; but it is about to turn, and the regurgitation will be tremendous. Proud in that day may well be the man who can float in triumph on the first reflux wave, swept onward by the deluge which he, himself, in advance of his fellows, had largely shared in occasioning. Such be my fate! and, living or dead, it will, in some measure, be mine. I have written my name in ineffaceable letters on the abolition record; and whether the reward ultimately come in the shape of honours to the living man, or a tribute to the memory of a departed one, I would not forfeit my right to it, for as many offices as ——— has in his gift, if each of them was greater than his own. What has led me into all this idle, and perhaps you may think, vain-glorious prate, is an apprehension created in my mind by the article in the *New Era*, prefacing an abridged copy of my letter to ———. That article—written, unquestionably, in the kindest spirit, speaks of my letter as showing that I am *not* an abolitionist. It shows *no* such thing; and if I had thought it liable to such a construction, it should never have left my hands. ——— abridged and altered my communication, on his own responsibility, and as soon as I heard from him, that he intended to do so, I wrote to him, admonishing him not to place me in a false position. But I stand by what ——— has done. He has changed my language slightly, and made some omissions: but the letter, as published, represents me truly, as far as it goes.

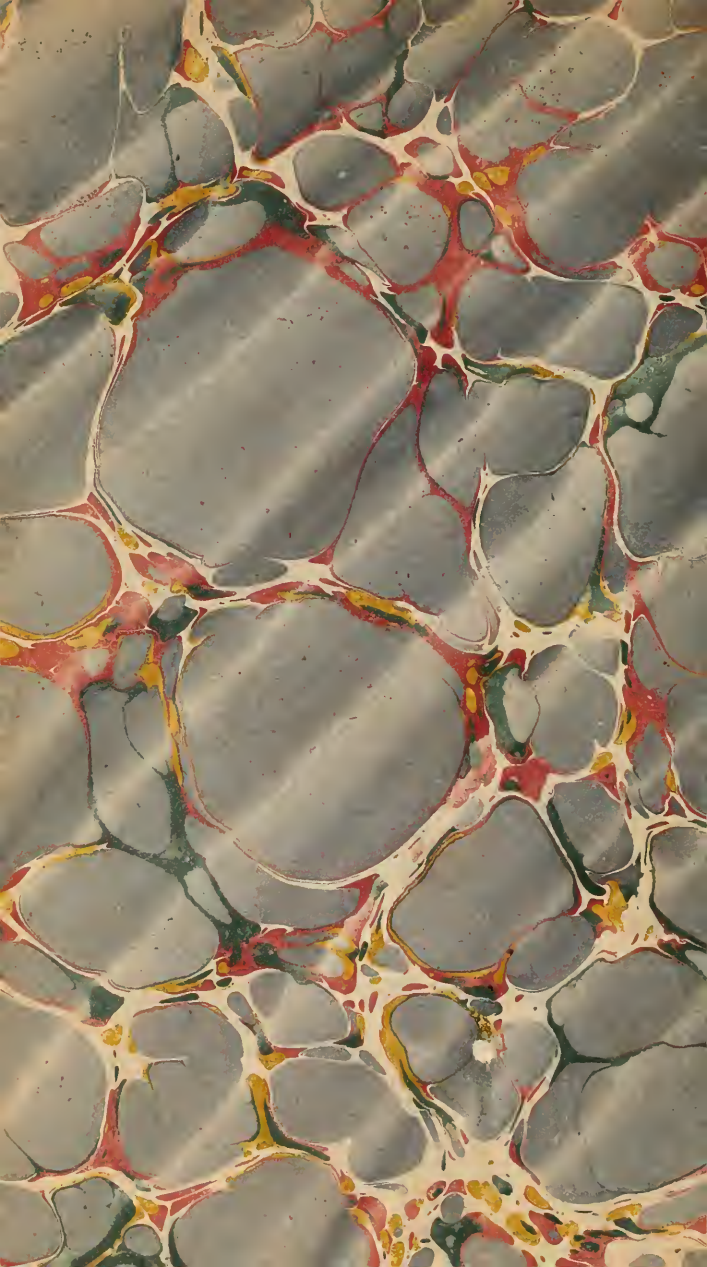
The *New Era*, however, goes much further, and jumps to a conclusion wide, Heaven knows, of the truth. As yet, I do not perceive that there is any absolute need of my interfering in the matter, but let me solicit of your friendship, to have a personal eye, as far as you can, to the doings of these gentry. Their next step may possibly be, to place me before the community, as a pro-slavery champion. Keep them, for God's sake, from committing any such foolery, for the sake of getting me into Congress. Let ——— and ——— and others of like kidney, twist themselves into what shapes they please, to gratify the present taste of the people, but as for me, I am not formed of such pliant materials, and choose to retain, undisturbed, the image of my God.

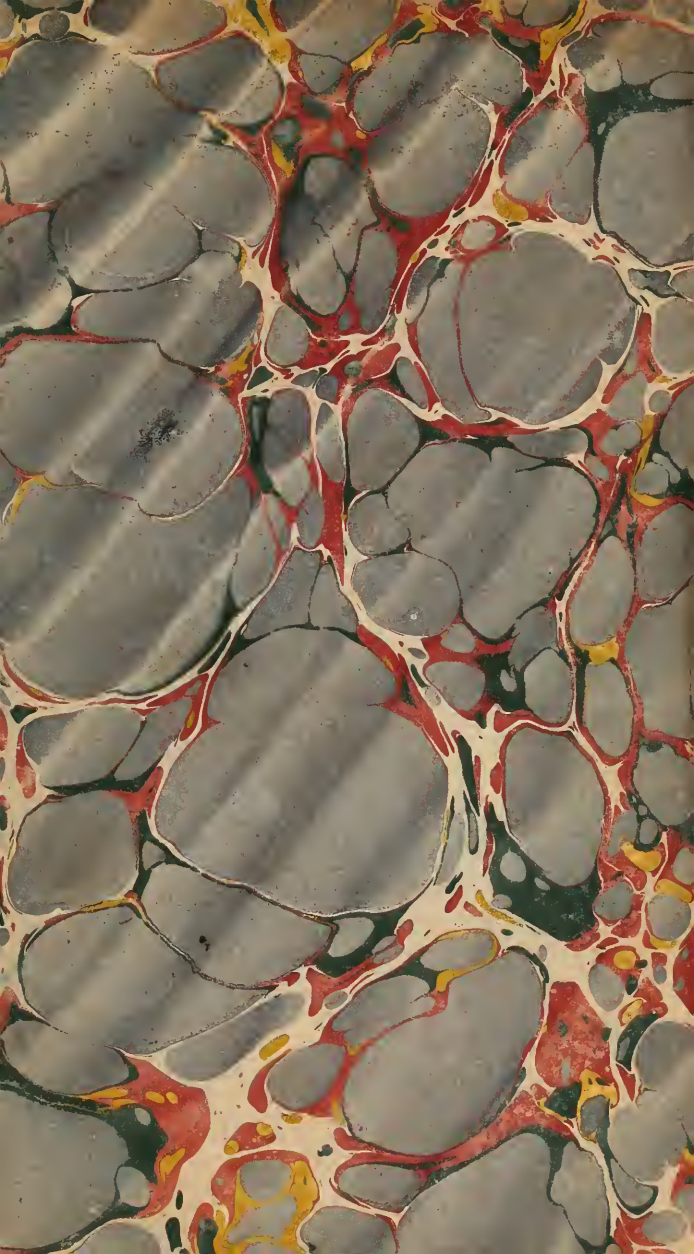
Excuse me for scribbling all this farrago to you; but I am really anxious not to be placed before the public in a false and discoloured light. I do not wish to cheat the people of their votes. I would not get their support, any more than their money, under false pretences. I am, what I am! and if that does not suit them, I am content to stay at home, praying God, in the meantime, to mend their taste, which prefers a "mought and a mought," not democrat, to one who is, at least, honest and zealous in their cause.

Yours' truly,

WM. LEGGETT.







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